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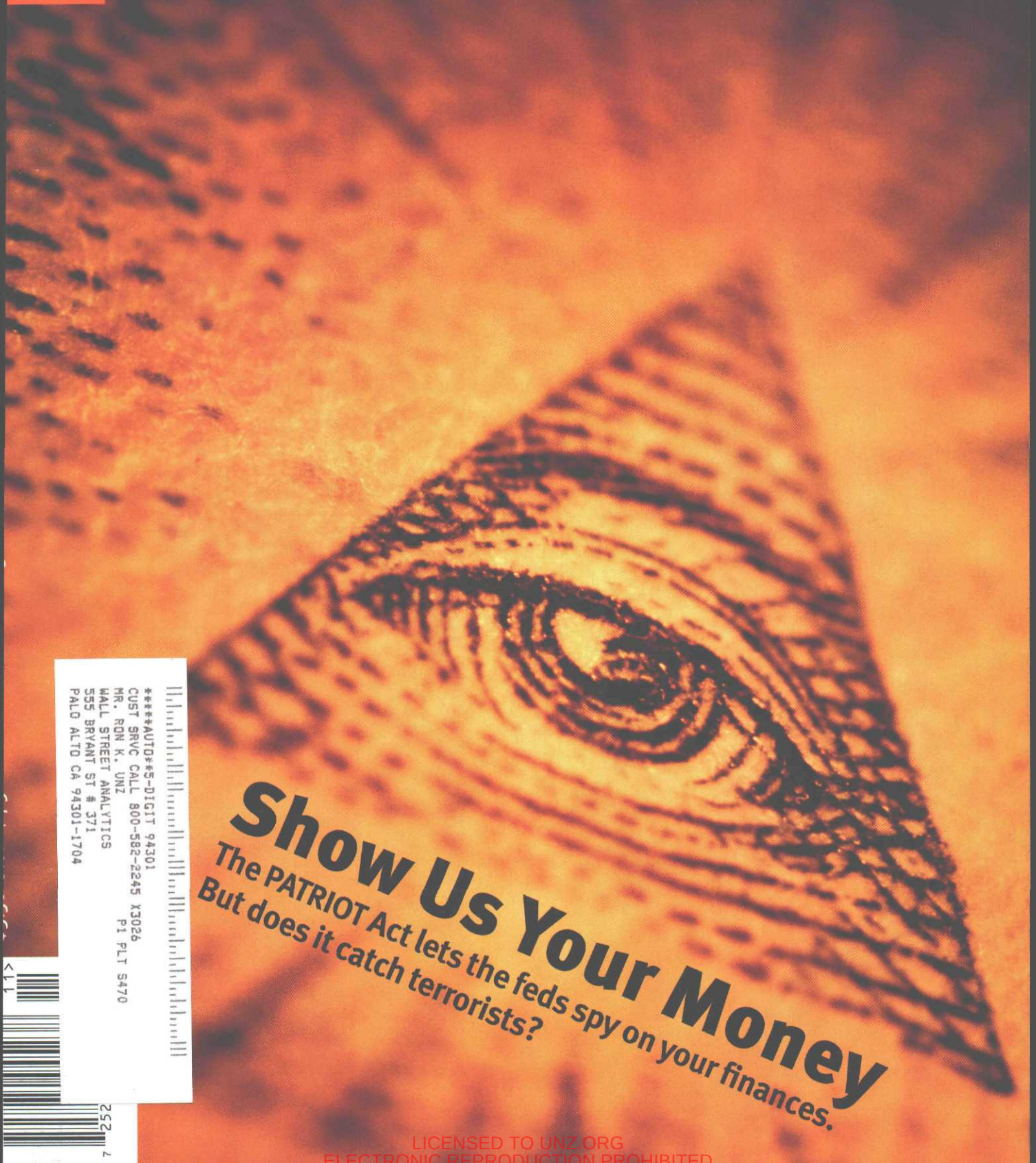

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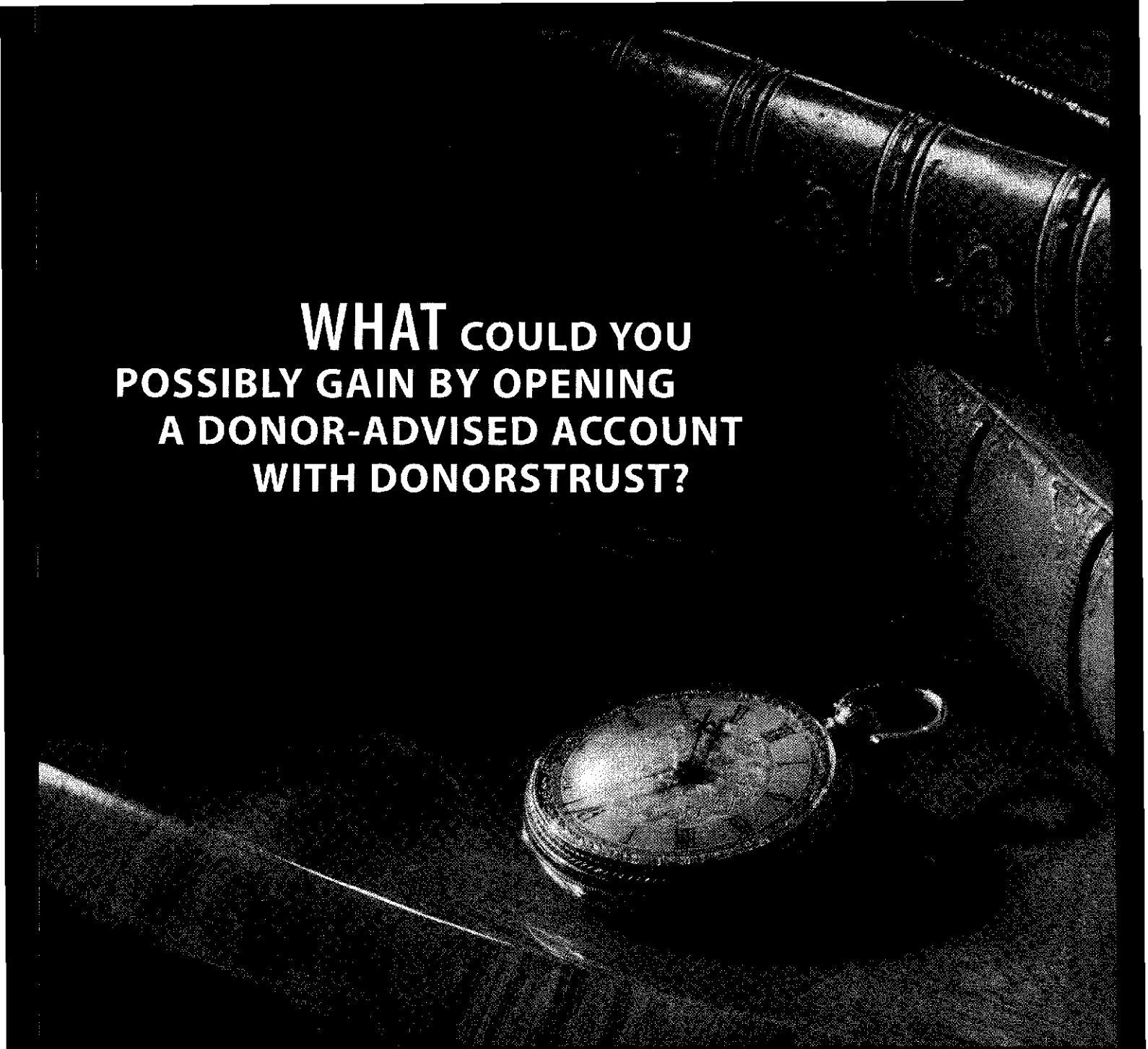

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reason
Free Minds and Free Markets

November 2003
Volume 35, No. 6

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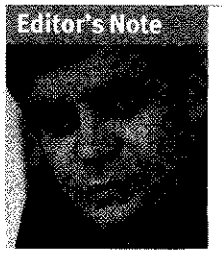
Editor's Note



Cultural Freedom

DURING THE PAST few years, **reason** has beefed up its cultural coverage, supplementing articles on public policy and politics with stories such as "Still Fab: Why We Keep Listening to the Beatles" (June 2001), "Pornocopia Deluxe: Behind the Triumph of Erotica" (December 2001), and "In Praise of Vulgarity: How Commercial Culture Liberates Islam—and the West" (March 2002). Recent issues have included appreciations of TV shows such as *Buffy the Vampire Slayer* and *Da Ali G Show*, of controversial video games, and of racy Arab pop videos.

Why has the magazine of "Free Minds and Free Markets" expanded its coverage of art, music, film, literature, and other forms of creative expression? Partly because the major political and economic battle of the last century has been won, in broad outline if not in exact details (and to be sure, those details matter one hell of a lot). As *The Wall Street Journal* declared earlier this year, "few doubt...that the economic argument has been settled in favor of free markets" rather than command economies. We continue to make the case for free markets, but the time is right to look at what free minds are up to.

Another reason for our cultural coverage is that culture is increasingly important to people. As **reason** has been documenting, we're in the midst of a "culture boom," of a massive increase in the production and consumption of culture. Everywhere you look, there's more of everything. This is no small trend, and it has many causes and effects.

Finally, **reason** is exploring culture because we're intensely interested in freedom and the weird, wild innovation that comes with it. Because of broad-based increases in wealth, education, and technological capabilities—and the breakdown of gatekeepers and of tastemaking institutions—we can buy or make almost anything we want in the cultural realm. In a world of $75 DVD players, $200 video cameras, and cheap broadband Internet connections, the only limit is our own imagination.

Which brings me to Joe Bob Briggs' wonderful, even inspirational "Kroger Babb's Road Show" (page 30). Only the one-time host of *Joe Bob's Drive-In Theater* and *MonsterVision* could do full justice to the story of the auteur behind *Mom and Dad*, arguably the most successful exploitation film in history. "Part biology lesson, part sideshow, part morality play, part medical 'shock footage'" writes Briggs, *Mom and Dad* "played continuously for 23 years, still booking drive-ins as late as 1977, and grossed an estimated $100 million."

In the 1940s and '50s, Babb managed to work around repressive social mores and a rigid, exclusionary distribution system to give small-town audiences the thrills, chills, and titillation that they wanted. Today's cheap technology and looser social and political climate mean that Babb's elaborate machinations are no longer necessary. But that only makes Babb's achievement all the more impressive—and the telling of his story all the more enjoyable.

Nick Gillespie

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John Berlau

Joe Bob Briggs

Wendy M. Grossman

Insight magazine's JOHN BERLAU has defended aggressive tactics in the war on terror. But even squinting really hard, he couldn't see a sound argument for the broad fishing expeditions through Americans' bank transactions he details in "Show Us Your Money" (page 22). Berlau won the National Press Club's 2002 Sandy Hume Memorial Award for a series on conflicts of interest at the Internal Revenue Service, and has written for *Investor's Business Daily*, *USA Today*, *The Wall Street Journal*, the *New York Post*, *The New Republic*, and *National Review*.

John Bloom gave birth to JOE BOB BRIGGS in 1982. Working as a film critic for *The Dallas Times Herald*, Bloom realized he hated Hollywood. Preferring such classics as *Zombie Holocaust* and *Graveyard Tramps*, Bloom created a persona to review "the stuff your mom doesn't want you to watch." After an editor rejected several pseudonyms as "too ethnic," Bloom settled on the whitest name he could come up with: Joe Bob Briggs. Briggs went on to pen innumerable articles, write five books, and host two television shows: *Joe Bob's Drive-In Theater* and *MonsterVision*. His sixth book, *Profoundly Disturbing: Shocking Movies That Changed History!* (Universe) was published this year. In "Kroger Babb's Roadshow" (page 30), Briggs celebrates a forgotten B movie pioneer.

WENDY M. GROSSMAN made the unlikely transition from folk singer to tech writer by way of a magazine she founded in 1987, Britain's *The Skeptic*, through which she met people who were starting to cover the online world. Computer magazines at the time were primarily devoted to "articles on how to tweak your modem," she says. But from the moment she wrote her first e-mail, in 1991, Grossman suspected there was a larger story to be found online. She spent most of the next decade writing about the "border wars between cyberspace and real life." In "The Spam Wars" (page 40), Grossman examines anti-spam proposals. She is the author of *Net.Wars* (NYU Press, 1997) and *From Anarchy to Power: The Net Comes of Age* (NYU Press, 2001). Her folk songs and recent work are online at pelicancrossing.net.

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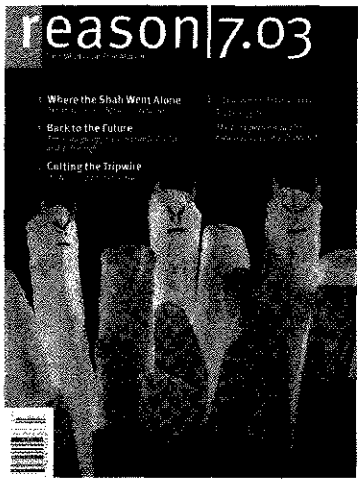

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The Anti-Pleasure Principle

Jacob Sullum has made something of a career pooh-poohing the dangers of tobacco, so I wasn't exactly surprised to learn that he's similarly dismissive ("The Anti-Pleasure Principle," July) of the concerns the Center for Science in the Public Interest (CSPI) raises about various foods and food additives.

First of all, to say that CSPI is "anti-pleasure" or out to impose some kind of code of self-denial on others just isn't supported by the facts. We certainly don't force anyone to buy our books or read our *Nutrition Action Healthletter*, which Sullum admits has some 800,000 subscribers.

For every restaurant meal or food product we've criticized in our pages, we've praised another. For every "Food Porn" we've highlighted a "Right Stuff." We've said good things about sirloin steaks and roast beef sandwiches, along with the less charitable things we've had to say about nutritional nightmares like the Bloomin' Onion. I bet Sullum knows this, though he didn't care to tell your readers. I think what really troubles him is that somewhere, someone is getting information about food from something other than a big food conglomerate.

Take olestra. Sullum is certainly welcome to believe olestra is safe if he wishes, despite the science surrounding it. (For what it's worth, [discredited journalist] Stephen Glass, too, famously smeared our efforts to block the sale of olestra-containing chips.) Sullum laments that the negative publicity about olestra's side effects was largely to blame for its "disappointing performance in the marketplace"—as if that's a bad thing. Is corporate advertising the only form of communication that should trigger a market response?

If ever there were an example of "extremism disguised as moderation"—a charge leveled by Sullum at CSPI—it is food advertising, particularly fast food and soda ads aimed at kids. After all, what's "moderate" about supersizing or Big Gulps? One would think that a libertarian would be more welcoming of our efforts to balance the billions corporations spend telling people what to eat.

When Sullum laughs at us for urging consumers to wash fruits and vegetables, you get the sense he's just piling on for the sport of it. And sportingly, he fails to mention that CSPI led the successful fight for easy-to-read nutrition facts labels on packaged foods; it has stopped scores of deceptive advertising campaigns, reduced the number of deaths due to sulfites, and encouraged major restaurant chains to add more healthful options to their menus.

The U.S. Department of Health and Human Services has estimated that poor diet and physical inactivity cause about 500,000 deaths a year. Food-borne illnesses cause another 5,000 deaths per year. Sullum makes it sound like we do food safety advocacy just to scare people away from meat, poultry, or other foods. But we do this work for its own sake, to make all of those foods safer to eat. I'd suggest that it's Sullum, rather than CSPI, who is "determined to find the catch, even when there is none."

Michael F. Jacobson
Executive Director, Center for Science in the Public Interest
Washington, DC

I just slogged through Jacob Sullum's lengthy hatchet job on the CSPI, and I must say I am disappointed. As U.S. obesity rates have skyrocketed in recent years, CSPI is one of the only organizations consistently drawing attention to a basic cause: the food we eat.

In a country filled with industries,

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lobbyists, and special interests invested in a fatter and less healthy America, I hope you feel satisfied by your effort to villainize one of the few organizations trying to help Americans eat right by providing them sound and detailed scientific information about food. Thankfully, the quality of their activism and education has resulted in broad popular support, and is little impacted by the likes of you.

CSPI's achievements, which have included pressuring movie theaters to remove unnecessary fats from movie popcorn and the more accurate labeling of food, far outstrip what any one callow reporter might achieve working to support the status quo.

Robert Goodspeed
Ann Arbor, MI

Jacob Sullum replies: The fact that Michael Jacobson describes me as "pooh-poohing the dangers of tobacco"—something I have never done—gives you a sense of his commitment to accuracy. His attempt to impugn olestra by noting that Stephen Glass once defended it suggests that logic is not his forte either. Glass' fabrications as a journalist are legendary, but that does not make him a reverse barometer of the truth. Even CSPI gets things right sometimes.

When it doesn't, the group's critics should be able to question its claims without being accused of trying to silence an alternative source of information. In the case of olestra, "the science surrounding it" is on the side of the product's defenders. Some consumers inevitably will experience gas or loose bowel movements after eating any product; that fact alone does not make those symptoms "side effects." You have to ask how many of the complaints cited by CSPI involved purely coincidental symptoms, especially when a placebo-controlled, double-blind study finds no gastrointestinal impact from eating olestra products.

Even if olestra snacks do not agree with everyone, many people would like to purchase them. It is important to recognize that CSPI goes beyond providing "information about food" when, as with olestra and Quorn, it asks the government to prevent consumers from buying products they want.

Finally, I have no problem with washing fruits and vegetables. But I do not agree with CSPI that it's reckless to eat an unpeeled apple or pear because pesticide residues lurking in the skin have "the potential to cause serious public health effects."

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Cutting the Tripwire

I think that Doug Bandow ("Cutting the Tripwire," July) makes many important points about the North Korean crisis. Surely we should have left Korean issues to South Korea and the rest of the Asian community a long time ago, but I am disappointed that Mr. Bandow did not address two important points:

First, while we should be out of South Korea, is this really a great time to be leaving? Leaving now could be an even greater mistake than Reagan's pullout from Lebanon. If we exit now it looks like we're running away because of nuclear blackmail—a position of weakness that will only encourage more rogue behavior by such unseemly states as North Korea.

Second, what about the dangers posed by the exportation of North Korea's nuclear weapons? You can argue all day about whether our past mistakes created this crisis in the first place. The fact is that North Korea has nukes, and it has shown that it is all too happy to export any military technology to get its hands on hard cash.

There is much that needs to be discussed about this issue, but I think that any article purporting to solve the Korean problem needs to mention these dangerous realities.

Alan Terbush
Richmond, VA

Doug Bandow replies: Advocates of an American presence in Korea will never believe it is the right time to depart. The existing forces are not necessary to defend the South, will become nuclear hostages if the North develops a usable arsenal, deter Seoul from strengthening its own defense, encourage anti-Americanism in South Korea, and fuel the North's dangerous paranoia. The troops should come home.

There is much to be said about the nuclear issue, but that was not the thrust of this article. All regional parties need to be involved in developing a package of carrots and sticks regarding

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the North. Nuclear exports to terrorists are the most serious threat posed by Pyongyang's current course and should be dealt with accordingly. But America's conventional commitment is of no use in any case.

Socialized Gambling

As an old Illinois politics watcher, I believe that a great deal of the nuttiness over casinos that Joe Bob Briggs identifies ("Socialized Gambling," July) comes from a combination of a moralistic political culture north of I-80; hardcore Baptist anti-gambling sentiment in western and southern Illinois; the perception that only the politically connected get to have licenses; and outrage by those connected who get shut out. What an explosive combination.

Dave Ivers
Canton, MI

Media Critic, Critique Thyself

I have to take issue with a minor element of Cathy Young's dissection ("Media Critic, Critique Thyself," July) of Eric Alterman's *What Liberal Media?* She quotes Alterman's prodding of Ann Coulter about footnotes, but anyone who even opened *Slander*, much less read it, would know that it is extensively footnoted. Each chapter has about two pages of footnotes, but Young doesn't mention this.

A minor point, perhaps, but it curdled the milk a bit more for me when she asserted that Ann Coulter is the right's Michael Moore. I don't think the knock on Moore is that he is a strident polemicist: It's that he is a liar. If Ann is guilty of objective mendacity in print, I should very much like to see it pointed out. I don't think you will have much luck.

On Bernard Goldberg's book she is on much firmer ground; it was personal to the point of puerility. But Young devotes most of her analysis to this weaker example. To me, this smacks of an overabundance of deference to the left. The reason this grates so is that **reason** seems to bend over backward to slap left and right with equal vigor, regardless of the merits. Moral equivalence has done much to sap the life from debates in all fields lately, but I wouldn't expect such an acceptance of conventional wisdom in **reason**.

Ken Watson
Atlanta, GA

There has been a long-running liberal bias in media, and it is explained as follows: From the Depression through the election of 1994, Democrats generally controlled Congress, and the national psyche was dominated by a New Deal–spawned belief that government should assume a role in any and every perceived problem. What followed was that news people began to see themselves as participants in these grand adventures—and ultimately as believers in what was being done.

We should admit that to be human is to be biased. What will mark the superior news person is whether he can maintain skepticism of government, whether run by liberals or conservatives. At the most basic level, news people are trustees of our First Amendment rights of speech, press, and petition for redress of grievances. They need to be ever vigilant to remind us of our founding fathers' belief that these freedoms pertain especially to freedom from government. And this duty would seem to imply that the best reporters would naturally be biased toward conservatism.

Albert B. Hall
Friday Harbor, WA

Back to the Future

Thank you so much for Michael Valdez Moses' article ("Back to the Future," July); I so rarely have the occasion to read anything worthwhile about the macro-trends in filmmaking.

A minor point from the opening of the article, though: Lucas has actually been rather adamant on the point of there being no third *Star Wars* trilogy. The series will be complete once episode III (now shooting in Sydney) is finished.

I agree that the story of *The Lord of the Rings* is essentially anti-modern and parochial, confined to the sensibility of an Englishman, and with a world apparently populated with neither women nor any dark-skinned faces. There is simply no aperture from Middle Earth into the modern world that you and I live in, and for that reason I find it extremely difficult to relate to these films.

The Republic of the new *Star Wars* trilogy, by contrast, is much like our own glittering, Byzantine world—and Anakin is much like the teenager of today. I'm not certain what forces can stop our descent into the same kind of political and moral decadence that corroded Rome, and Lucas seems similarly pessimistic. The problem is inner, hidden, more psychological in nature. The basic idea is that when the final crisis comes, when the tyrant finally takes off his mask, no will be able to stop him. In fact, he will be welcomed.

These problems weigh on me all the time. Generally, however, I don't see them addressed in films at all, and certainly not with any style. Lucas' saga has been, for over a quarter century, a refreshing exception to this trend.

Jason Apuzzo
West Haven, CT

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Citings

Envy your kids; California's surprising economy; anti-consumerist capitalism; librarians fight filters; keeping psychics honest; reality TV tames nationalism; dirty words.

Protecting us from Gore supporters

Intelligence Failure

Jesse Walker

IN MARCH, CITING the heightened threat of terrorism, U.S. District Judge Charles Haight softened a set of rules known as the Handschu guidelines. The rules are named for Barbara Handschu, one of 16 activists who sued the New York Police Department in 1971 on the grounds that its "red squad" had pushed surveillance to the point of harassment. A 1985 court order established the guidelines, which barred cops from investigating a political or religious group without evidence linking it to a past or imminent crime.

Long faulted by civil libertarians as too weak a restraint, the guidelines nonetheless irritated the police, who argued late last year that they should be thrown out altogether. David Cohen, the NYPD's intelligence commissioner, told Haight, "It is difficult to imagine a state of affairs more outdated by the events of September 11th." Haight agreed and gutted the rules, allowing the NYPD to create its own regulations instead. The new rules couldn't be changed without the judge's approval, but they weren't embedded in his court order.

"That was the real flaw," comments Jethro Eisenstein, one of the attorneys who argued against the change. "If the police didn't choose to discipline their own for violating the rules, no one could go into court accusing them of violating the rules."

In August, Haight reversed himself, revising the court order to incorporate the new guidelines.

What changed his mind? The judge found out how police had interrogated some of the 274 protesters arrested for blocking traffic at an antiwar demonstration in February. The cops' questions had ranged far beyond anything related to criminal behavior, inquiring into matters of political belief. Among the queries: "Do you hate George W. Bush? Do you think anything would be different if Al Gore were elected? What is your opinion of the war in Iraq? Don't you think it was necessary for us to get involved in World War II?"

The interviewers then entered the answers on an official "demonstration debriefing" form. Police initially denied that the higher-ups knew about the questioning, then acknowledged that they were "aware of the fact that arrestees would be asked questions similar to those." A perturbed Haight declared that the department was "in some need of discipline."

The rules still aren't as strong as they were last year. But "if the police are shown again to be gathering information in the grand old tradition, they run the risk of sanctions," says Eisenstein. "And that's important to have." ▯

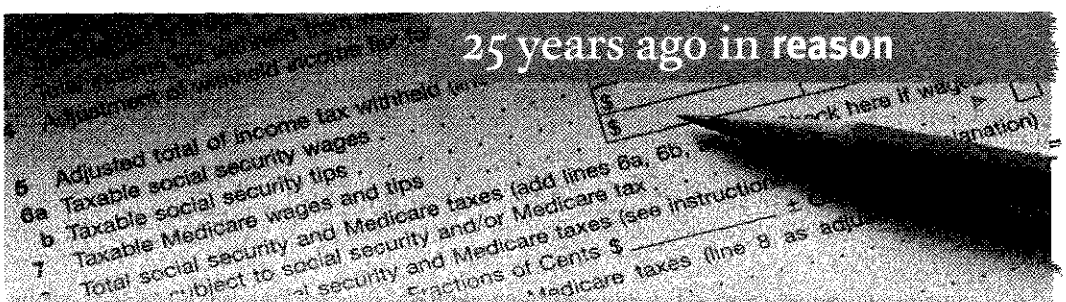
Income keeps growing

Envy Your Kids

Ronald Bailey

IN LESS THAN a lifetime, the $10.7 trillion U.S. economy could grow more than 12-fold, to $128.6 trillion by 2077, according to a new report issued by the nonpartisan Employment Policy Foundation (EPF). Taking population growth into account, that means real U.S. per capita personal income could rise fivefold, from $31,384 today to $155,632 in 2077.

Impossible? Not at all. This has happened before, way back



"It should be clear that, far from the cry of the tax-consuming hordes against Proposition 13, cutting taxes will *not* cause a depression; it will rather cause living standards to spurt."

—Christopher P. Weber, "Slashing Taxes Is Good for What Ails Us"

"Cued by the media, the people are focusing their rebellion on a single target: taxes. And into this rebellion is going all the frustration of years of living with government that seems...like an uncontrollable cancerous growth."

—Derek Brownlee, "Seizing the Day"

"Rhodesia's new biracial government has outlawed racial discrimination by hotels, restaurants, and other 'public places.' The new law does not affect [state-owned] hospitals, state schools, or segregated [by law] urban housing areas,' says AP."

—Bill Birmingham, Brickbats

"If we make it difficult or costly for employers to discharge incompetent or lazy people... then we also make employers reluctant to hire those with anything but the best credentials and work records. This is not a promising way of helping young high-school dropouts."

—Alan Reynolds, "Unemployment: Causes and Cures"

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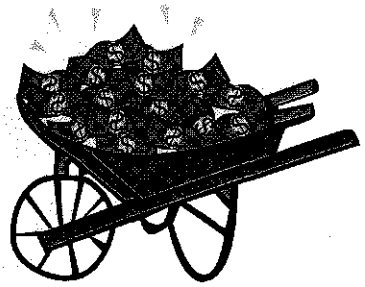


in the 20th century: Since 1929 the U.S. economy has grown 10-fold, from $1 trillion to $10.7 trillion, while per capita personal incomes have grown 5-fold, from $6,329 to $31,384. As a result of an average economic growth rate of 3.4 percent since 1929, the U.S. economy represents about one-third of total annual world output of $32.2 trillion. "Having per capita personal incomes of $150,000 in 2077 is no more fantastical than where we are today would have been to my grandmother," says EPF chief economist Ron Bird.

Of course, there's a case to be made that this scenario is still pretty fantastical. If the poverty threshold for individuals in the U.S. also increases fivefold over the next 74 years, then someone on the cusp of poverty in 2077 will make the equivalent of $46,795. That's more than the median household income of $42,228 today and only slightly less than the $48,000 per year that the Bureau of Labor Statistics says the average computer programmer makes.

California's surprising economy

Golden Bear?

Matt Welch

IF THERE'S ONE thing the 135 candidates for California governor could agree on before the October 7 recall election, it was that the state economy is a shambles, thanks to Gov. Gray Davis.

"Of course, the first thing he did in office is enact that massive tax increase that broke the back of California's economy," tax-cutting Republican candidate Tom McClintock said on the Roger Hedgecock radio show in late August.

But has the Golden Spine truly snapped? Several recent studies, academic and journalistic, suggest not, though there are storm clouds on the horizon.

Senior Economist Tom Lieser of UCLA's respected Andersen Forecast predicted in a June report that the state's recession likely would end by the third quarter, "because it is time for it to end." As Lieser and others point out, the great sucking sound in California's economy (and state budget) is coming from just one Silicon Valley hole, where the dot-com collapse has vaporized 250,000 higher-end Bay Area jobs. "The overall forecast for Los Angeles County and Southern California remains positive," an Andersen press release stated.

In fact, argues Palo Alto's Center for Continuing Study of the California Economy, outside the burst bubble the state has outperformed the rest of the country. "The California regions outside the Bay Area actually added jobs between January 2001 and January 2003," the center reported in March.

Though the employment outlook is positive, the wealth wipeout was all too real. The California Department of Finance reports that inflation-adjusted personal income dropped 3.4 percent from January 2001 to July 2003, the worst drop seen in any state. This, of course, helped bust the budget: As the *Los Angeles Times* reported in a relatively rosy assessment of the economy, "In fiscal 2002, personal income tax revenue in California plunged 26% to $33 billion, down from $44.6 billion the year before."

Which leads to the real monster in the closet: the government's massive debt habit. The most recent state budget, passed at the end of July, includes a staggering $14 billion in long-term borrowing at a time when California's bond rating has been downgraded to just one level above junk—the lowest of any state. With an unprecedented campaign under way in which few candidates have spelled out what kind of tough medicine they'd apply to the estimated $8 billion annual "structural deficit," it's hard to imagine the state avoiding massive finance charges that will divert government money and perhaps eventually require a heavier tax burden on residents and businesses.

"Until the recall election," Joe Mysak wrote in the *Los Business Journal* in August, "the California story will be all about politics. After the election, it will be all about the municipal bond market."

Culture jammers, sneaker peddlers

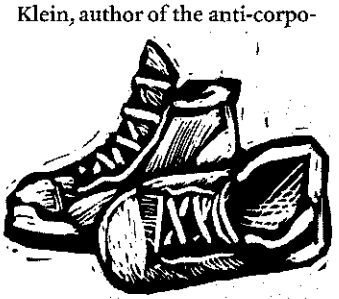
Anti-Consumerist Capitalism

Julian Sanchez

READERS OF *Adbusters* got a shock when they picked up the September/October issue of the anti-corporate, anti-consumer culture set's flagship magazine. The back cover sported not one of the publication's famous ad spoofs but a genuine advertisement for the soon-to-be-produced Blackspot sneaker.

The shoe, explains *Adbusters* founder Kalle Lasn, is being sold as an anti-Nike brand, a way of "kicking Phil Knight's ass." Blackspot sneakers will be made in a South Korean factory that was abandoned by Nike when it unionized. Lasn hopes you'll be able to pick up the shoe in independent stores, or order it from blackspotsneaker.org, within six to nine months. "It depends how well our marketing campaign works," says Lasn. "Of course, if we're lucky and get some investors, it could take off very rapidly."

Some of Lasn's fellow activists are less than sanguine about the shift from a strategy of opposing corporations to one of beating them at their own game. Among the skeptics is Naomi Klein, author of the anti-corpo- »



Quotes

"An unelected, non-accountable, arrogant, imperialistic judiciary determined to shove their beliefs down our throats."

—radio host James Dobson, describing *opponents* of Alabama Chief Justice Roy Moore's unlawful crusade to keep a 2.6-ton monument to the Ten Commandments in his state's judicial building, as reported by the Associated Press on August 28

"We have a responsibility that when somebody hurts, government has got to move."

—President George W. Bush in a Labor Day address to union workers, cited in the September 2 *Washington Post*

Source

The big brains at the MIT Media Lab are doing their bit to help make ours a sousveillance society—one in which observation from beneath counterbalances state spying. Inspired by the Pentagon's proposed Terrorism Information Awareness project, they've launched a site called Government Information Awareness, at opengov.media.mit.edu/. There you can find constantly updated information on judges, legislators, executive agencies, corporate lobbyists, and (perhaps more important) the many connections between them.

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Brickbats

District of Columbia health officials were adamant: The cafeteria had to be closed down. They'd found water leaking from the ceiling, cooks not wearing hair restraints, and poorly cleaned ice machines, cabinets, surfaces, and equipment. Worst of all, they'd found mouse droppings everywhere. The cafeteria was in the headquarters of the Department of Agriculture, the government agency charged with keeping the nation's food supply safe.

More USDA news: A random audit of the department found that helping the nation's farmers requires some odd goods and services. Employees used government credit cards to, among other things, make a down payment on a car, pay tuition for bartender school, buy Ozzy Osbourne concert tickets, and pay for lingerie and tattoos. All told, investigators found some $7.7 million in personal charges accrued during one six-month period. They had audited just 300 of the department's 55,000 credit cards.

If you are going to put one of those inflatable kiddie pools in your backyard, you had better have a strong set of lungs. And if you live in Ebensburg, Pennsylvania, you had better have a building permit. Cindy Lenz bought an 18-inch-deep pool for $49 at Wal-Mart. But when she tried to install it, the local government told her she needed a permit. "If a toddler drowns and we haven't done our jobs, we're in between and get the blame," said a local zoning official.

Police in the United Arab Emirates municipality of Ras Al Khaimah raided a clothing store, seizing dresses that allegedly had the Star of David on them. City officials said the dresses would be destroyed. The UAE bans products from Israel.

When the power went out in New York City, ordinary citizens jumped in to direct traffic through the crowded intersection of West 79th Street and Amsterdam Avenue. Meanwhile, at least one city parking enforcement officer continued to calmly write tickets for illegally parked cars just a few yards away. Onlookers begged the unidentified officer to do something, but instead he reportedly got back in his patrol car and drove through the intersection, directed by one of the volunteers.

Sen. John Edwards (D-N.C.) has a lot on his mind. He's probably preoccupied with his presidential campaign and his duties in the U.S. Senate. That may explain why he's four months late paying the property taxes on his mansion in Georgetown. Edwards, who is estimated to have a fortune of $12 million to $30 million, says he never received the bill. *The Washington Times* reports he has been late at least eight times in the last 10 years.

Javier Checa, mayor of the Spanish town of Torredonjimeno, has ordered all men to remain in their homes on Thursday nights. Those found out on "ladies' night" will be fined. Checa says it's his way of encouraging men to stay at home and help out with household chores.

Charles Oliver

› rate bible *No Logo*. "Writers and publications who analyze the commercialization and privatization of our lives have a responsibility to work to protect spaces where we aren't constantly being pitched to," Klein told Canada's *Globe and Mail*. "This can be undermined if they are seen as simply shilling for a different, 'anti-corporate' brand."

Lasn has little patience for this attitude. "Old leftists like Naomi Klein hang on to an old, 'pure' activism that hasn't had any success for 20 or 30 years," he says. "There's a lot of people now who want to jump over the dead body of the old left. We've decided to stop whining about Nike; why not make $10 million and use it to run a media literacy campaign instead? I'm really sick of the whiners."

Blackspot represents a departure from the traditional tactic of logo-demystifying *détournement* exemplified by *Adbusters*' spoofs. Instead of exploding the symbolic power of brand imagery, Lasn hopes to substitute the "nuclear glow" of his own anti-logo, but this "glow," he avers, will be rooted in sincerely held beliefs and values rather than the "cynical mindfucks" of corporate marketers.

Ironically, Blackspot may demonstrate the virtues of markets to activists on the left. "There's a certain undeniable power that capitalism and even free markets have," says Lasn. "My problem is with top-down corporate consumer culture. This way of activism is one way for people to take back their culture."

Librarians fight filters

No Strings on Me

Jesse Walker

THE SAN JOSE Public Libraries receive about $20,000 each year from the E-rate program, a federal effort to finance public access to the Internet. Next year, though, they might not get any. San Jose is one of several library systems around the country that say they will refuse Washington's subsidies rather than accept the

strings attached to them—specifically, the requirements of the Children's Internet Protection Act (CIPA), which Congress passed in 1999 and the Supreme Court upheld in June.

Under CIPA, institutions that receive E-rate subsidies will have to install "a technology for computers with Internet access to filter or block material deemed to be harmful to minors." This requirement offends many librarians, sometimes on free speech grounds and sometimes simply because such filters rarely work as advertised. "We have a belief in open access to materials on the Internet," explains Ned Himmel, assistant library director in San Jose.

In San Jose's case, the final decision to accept or refuse the funds rests with the city council, not the library. But the conclusion seems foregone: The city already has taken a stand against such filtering programs.

It's not a hard stand to take. San Jose's E-rate subsidy is only about 0.01 percent of its annual operating budget. Indeed, the most consistent theme among the libraries saying no may be that they either didn't receive the grant to begin with or could discard what they do get without feeling much pain. "We don't get E-rate money, so it's a non-issue," comments Jessamyn West, outreach librarian at Rutland Free Library in Vermont.

"Libraries are dealing with it pragmatically," she adds. "For a lot of them, that comes down to, 'How much do filters cost? How much do we get in E-rate money? Do the math.'"

West—co-editor of *Revolting Librarians Redux*, an anthology of essays by activist librarians—notes that many institutions that continue to accept the E-rate funds are adapting to the new order in other ways. Under »

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Balance Sheet

Jeff A. Taylor

Benign Trend

Death rates from cancer fall as prevention programs launched in recent years take hold. Lung cancer is hit by anti-smoking efforts, but all cancers get the one-two punch of better diagnosis and treatment.

Tissue Issue

Researchers at the Vermont Lung Center use adult human stem cell transplantation to regrow lung tissue. With further study the technique may be effective in treating diseases such as emphysema and cystic fibrosis.

Penguin Wars

Linux distributor Red Hat gets fed up with the SCO Group's legal war against Linux and files its own put-up-or-shut-up lawsuit against the company. SCO has claimed that Linux contains unauthorized elements of SCO's own Unix operating system.

Data Whores

Sen. Ron Wyden (D-Ore.) introduces legislation to make the Pentagon, the CIA, and any other arm of the national security state report to Congress on their use of commercial databases to find bad guys. Congress must "find out on behalf of all Americans what federal agencies are hoping to do with their personal information," Wyden says.

Enzyme Time

A study published in *Nature* points to "anti-aging" enzymes that could be used to treat diseases associated with old age. Resveratrol, one of the enzymes, has long been associated with the beneficial health effects of red wine.

Herb Doctors

Cancer, HIV, and multiple sclerosis patients in the Netherlands can go to their doctors for a pot prescription as the country becomes the first in the world to put medical marijuana a prescription away. The Health Ministry buys the herb from two companies licensed to grow it and then packages the pot into small tubs and sends it to drugstores.

Vote Buying

Voting machine maker Diebold hawks its wares to states at the same time its CEO raises cash for Republicans. Were Democrats in power, they would doubtless be the object of the pitches. In sum, the motivation is as predictable as it is unseemly.

Yulk Tales

Attorney General John Ashcroft's attempt to justify the PATRIOT Act includes a national tour of TV studios—but a ban on print reporters at Ashcroft press conferences—and a Web site, lifeandliberty.gov, that is pure propaganda. Not exactly advancing the ball there, John.

Brain-Dead Cells

An animal rights group called the Revolutionary Cells bombs a California biotech firm because of its association with animal testing. Damage is minor, but the intent was not. In a public statement, the attackers call the firm's employees "animal-killing scum."

Oily Residue

Reasonably good relations between Israel and Turkey are at risk over oil from Iraq. Both countries want oil from the Kirkuk oil fields to flow through pipelines to their ports. Someone is gonna lose.

Fly Away

A former White House counterterrorism expert confirms that members of the bin Laden family were allowed to fly out of the country in the wake of the 9/11 attacks. Some 140 Saudis left on at least four flights without any FBI exit interviews. It is still a mystery who in the Bush administration arranged the flights.

Yesterday's War

Guerrilla activity picks up in forgotten Afghanistan amid signs that the Taliban is re-forming. The government in Kabul still has little influence in outlying areas, especially those bordering Pakistan.

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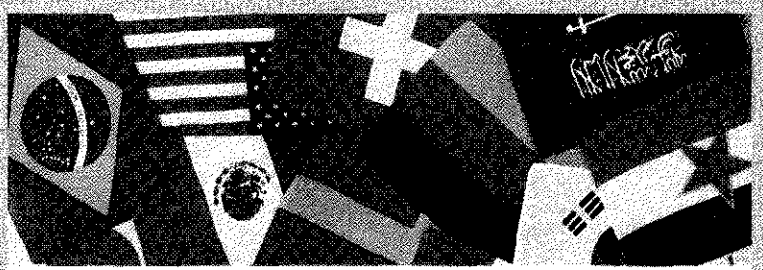
Data

Free Fall

Julian Sanchez

Perhaps it's the "oil curse"—the phenomenon of despots who rely on oil revenues to preserve their power without democratic support. Maybe some of the blame rests with Islam's doctrinal union of *din* (faith) and *dawlah* (state). The West bears a share of the responsibility too: The U.S. sought to undermine secular nationalist leaders during the Cold War and brought together the best of the worst of the world's fanatical *mujahedin* for Operation Cyclone in Afghanistan.

Whatever the causes, the most recent survey conducted by the human rights group Freedom House reveals a stark contrast between the political trajectories of the Muslim and non-Muslim worlds. While the number of "free" countries in the latter group has nearly doubled during the last three decades, the former has seen a decline in "free" countries, with precious little progress even at the lower end of the scale. The quandary now: how to help the exceptions fall in line with the global rule without repeating the mistakes of the past.



Freedom in the World

	Muslim Majority Countries		Non-Muslim Majority Countries	
	1973	2003	1973	2003
Free	6%	4%	36%	60%
Partly Free	31	38	24	26
Not Free	63	58	40	14

Source: www.freedomhouse.org

› the Supreme Court's ruling, for example, libraries still have the leeway to disable their filters for adult patrons. Rutland offers both filtered and unfiltered terminals, letting parents choose which computers their kids can use.

Other places "would be filtering even without CIPA," says Bob Watson, executive director of the Franklin Park, Illinois, library district. Watson's institution installed its filters after witnessing a legal battle at its counterpart in Minneapolis, where staffers persuaded regulators that allowing patrons to view pornography online was creating a hostile workplace environment. ⊠

Only in San Fran, Part XXIX

Keeping Psychics Honest

Matt Welch

TIME WAS, a self-respecting augur or necromancer could ply her trade in San Francisco without the long arm of the nanny state reaching into her pocket for money and the right paperwork. No more.

As of August 1, fortunetellers of all stripes (including but not limited to crystal gazers, cartomancers, and interpreters of coffee grounds) are required to obtain a $357 license from the city, post their prices prominently, and issue receipts. The licensing requirements include proof of government-issued identification, five years' worth of employment and residential info, and a criminal background check, with fingerprinting. If the soothsayer has been convicted of two relevant misdemeanors or a single felony, the application will be denied.

So is a famously tolerant city now trying to squeeze out its eccentrics? Not at all, insists Laurel Pallock, a consumer fraud investigator for the district attorney's office and the driving force behind the legislation. "I mean, San Francisco prides itself on this sort of thing," Pallock says with a hearty laugh. "So we're not trying to say you can't do it."

Pallock became a psychic-regulation enthusiast after seeing fragile people open their hearts to fortunetellers, only to have the information used against them and be told that their families would suffer terrible curses unless the oracle received much more cash.

"I kind of liken it to elder abuse," she says. "They are victimizing some people who are not able at that point to help themselves out of a jam....I have felt so sorry for victims who didn't know who they were dealing with."

Before becoming law, Pallock's crusade had to climb a formidable hurdle: Baghdad-by-the-Bay's famous identity politics. Gypsies, who account for a disproportionate number of local palm readers, complained that the new rules singled them out for persecution because of a requirement to report their Social Security numbers.

"The last time they submitted to national identification," Romani Association representative Robert McCarthy told the

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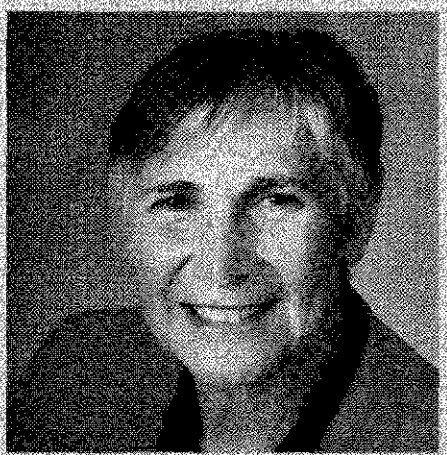
Dirty Words

Julian Sanchez



Diane Ravitch

When President Clinton appointed her to a committee tasked with devising questions for a proposed national test of fourth-graders, Diane Ravitch was shocked to discover how stringent bias and sensitivity requirements had become. A reading sample on the nutritional value of peanuts, for example, was deemed insensitive to students with peanut allergies. Ravitch, a professor of education at New York University and the author of 2001's *Left Back: A Century of Battles Over School Reform*, investigated the extent and origins of this pedagogical hypersensitivity. She found a disturbing catalog of bipartisan censorship, which she presents in her new book, *The Language Police: How Pressure Groups Restrict What Students Learn* (Knopf). Assistant Editor Julian Sanchez spoke to Ravitch in August.

Q: An incredible number of innocuous words and subjects have become taboo in teaching and testing. Why?

A: It's a combination of phenomena. On tests, the rationale is that anything that *might* upset a student is distracting. If you mention Halloween, someone will be upset. If you have a story where someone has a swimming pool, a child whose family can't afford one is going to get upset. This belief that *everything* is role modeling, *everything* affects self-esteem, has been embraced with equal fervor by left and right.

Every political pressure group of every stripe gets to have its say in the textbook selection process. And because there's no real marketplace in textbook sales—they sell to states buying in bulk—the publishers are very easily intimidated by anyone who threatens to make a fuss. What I have in the book is a list of more than 500 words and topics that are banned. In every case, the reason is a fear of controversy.

Q: Could school choice affect this trend?

A: Anything that can break down the bulk adoption of textbooks by states would certainly help. If the publishers had to sell to 3 million teachers, the textbooks would look very different, and there would also be much more competition to sell to those teachers. There's been huge consolidation in this industry: The textbook adoption process makes it very hard for independent, smaller publishers to stay in the running.

Q: Some things—racist tracts, say—are reasonable to exclude. But how do you draw the line?

A: I would "draw the line" by making all of this public. The states have no obligation to explain why anything was rejected, and bias guidelines are often not public. If it's out in the open and they say, "We won't let kids read Langston Hughes because he uses the word *negro*," they're going to have to prepare to be ridiculed. The groups that have been so powerful in this secretive selection process actually have a very tiny constituency.

Baltimore *Sun*, "the Third Reich slapped little tattoos on their wrists and murdered 600,000 of them."

The requirement was dropped at the last minute, and now fortunetelling will take its place alongside pushcart-peddling, massage, and junk dealing as a fee-paying, city-vetted business. And, Pallock swears, the $357 price tag is a one-time fee to cover administrative costs; renewals will be closer to one-tenth of that.

"The interesting thing is that ...all over the country, there *are* fortunetelling laws," she says. "We have Pennsylvania, Florida, unincorporated Sacramento, San Carlos; a lot of places actually have regulation about this. But what we did was we tried to make ours really comprehensive, and I think compared to other cities or counties that have passed legislation, ours goes into a lot more detail."

Reality TV tames nationalism

Arabian Idol

Charles Paul Freund

A DIFFERENT SORT of conflict broke out this summer in the Middle East—one involving reality TV. While it offers more evidence that the region is in the grip of a liberationist pop culture frenzy (see "Look Who's Rocking the Casbah," June), it also demonstrates that even the region's pop fandom can fall prey to conspiracy theories and divisiveness.

Future TV, a satellite network based in Lebanon (and owned by Prime Minister Rafik Hariri) staged an Arab version of the American reality TV phenomenon *American Idol*. Called *Superstar*, the show gathered hopeful amateur singers from throughout the Arab world and, week by week, narrowed the competition based on audience reaction. The show attracted an enormous following from the Maghreb to the Persian Gulf.

The penultimate program, in mid-August, featured three remaining contestants: female singers from Syria and Jordan and a man named Melhem Zein from Lebanon. When Zein was eliminated, the Beirut audience exploded. Both women fainted amid a tumult of flying chairs and had to be rushed to the hospital. A crowd gathered in front of the studio and began a well-known Arabic chant that is usually heard in the context of far more serious strife. This time, instead of a political or religious leader, the chanters invoked Zein: "With our blood and souls, we sacrifice for you Melhem."

Conspiracy theories soon emerged to account for Zein's elimination. Supposedly, the entire Jordanian army had been ordered to vote for Jordan's contestant. Supposedly, Lebanese leaders had failed the nation by not mobilizing support for Zein. Supposedly, Syria, which controls Lebanon, had exerted itself to control *Superstar* as well.

In other words, as fan-based cultural identity grows in the region, it expresses itself in terms of the area's traditional nationalist or sectarian divisions, engendering group enmity and suspicion. The effect of commercial culture, however, is to dissipate conflict by lowering the stakes. Modernist identities (drawing on such influences as fandom) are fluid and changeable; the resulting communities of interest are numerous and temporary. Zein's fans have now contented themselves with creating a Web site in his honor.

Superstar's winner, by the way, was Diana Karazone, the singer from Jordan.

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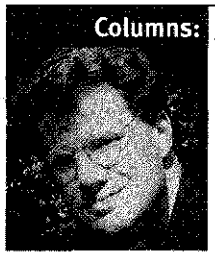

Beyond Public and Private

Business improvement districts don't fit our ordinary categories.

WALK DOWN CHARLES Street, Howard Street, or Park Avenue in downtown Baltimore, and you'll see signs announcing that, "for your safety," the block is "a Video Recorded Area." Each sign bears the logo of the Video Patrol, and each is located just a few feet below an actual camera, diligently surveilling everything that passes. There are 48 such electronic observers in this army, and more will be added soon.

There are people who don't mind government cameras but object to such devices on private property, where the owners face fewer legal limits on what they can do with the images. There are people who don't mind private video surveillance but object to cameras in the hands of the government, which might be interested in stopping much more than vandalism and theft.

Yet these eyes don't fit neatly into either category. They are operated and substantially funded by a group called the Downtown Partnership, a nonprofit corporation that administers the Downtown Management District. The latter is a business improvement district, or BID, a relatively new form of social organization that is alternately praised as a form of decentralized self-help and damned as a miniature model of the unaccountable corporate state.

There are over 1,000 BIDs scattered throughout the United States. While some cities try to establish a business-friendly environment by cutting local taxes, BIDs invert the formula: Property owners pay extra taxes and in exchange receive extra services. The typical district pays to clean up trash, beef up security, renovate infrastructure, and advertise the district's amenities; in different places they have done everything from putting up Christmas lights to installing wireless Internet access to lobbying for stricter porn laws. In some states, it's theoretically possible for a city to create a BID without consulting the enterprises that exist there and then to micromanage everything the body does. In practice, though, one is created when a substantial number of property owners asks for it; once established, it generally enjoys a lot of leeway to do as it pleases.

In other words: BIDs aren't really voluntary, but they're a lot more consensual than most forms of public administration. And they aren't really governments, but they're a lot more autonomous than most civic associations.

Writing in the *Columbia Law Review* in 1999, Columbia law professor Richard Briffault observes that business improvement districts, frequently regarded as a form of privatization, exist instead in a hazy territory between public and private—and that this is actually typical of local government.

Small towns and suburbs are "public" in the obvious sense, he explains, but at the same time their autonomy "fragments states into hundreds of jurisdictions, each focused narrowly on the well-being of the constituency within its boundaries rather than on the state or region as a whole, each struggling with its neighbors for the resources it needs to satisfy its constituents' demands."

The public/private muddle runs even deeper than Briffault suggests. The country includes many purely contractual "governments"—condominiums, residential community associations, private towns such as Reston, Virginia. It also includes some "public" units of government that exist purely for the protection of private associations. The Reedy Creek Drainage District in Florida, for example, is essentially a front for Walt Disney World, while Irvine, California, is a Reston-style town that incorporated as a city.

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(Muddying matters further, places like Irvine wield powers, such as annexation and eminent domain, that would not be available if they were completely private.) But even regular, coercive municipalities have an element of consent that larger units of government often lack.

"Municipalities, historically, were not created in this country by the state legislature slicing up its territory into little pieces and erecting new governments on it," observes George Liebmann, executive director of Maryland's Calvert Institute for Policy Research and author of several books on local and sublocal governments. "They were created in most states by an incorporation process, in which any 25 or 100 or 500 people could petition for the creation of a municipality and the state legislature would then authorize it." Conceptually, he argues, BIDs are essentially "very small municipalities."

Until the 19th century, there was no legal distinction between private and municipal corporations. And early on, most towns refused to incorporate, regarding the institution as aristocratic or simply unnecessary. As Harvard law professor Gerald Frug has observed, it is possible to view many colonial towns as associations rather than as creatures of the state.

Two centuries later, city hall looks a lot less voluntary. But a local government still gives you much more power to vote with your feet than a state or national government does, though that isn't much use if it suddenly decides to condemn your property or criminalize your behavior.

When a business improvement district is formed, all this interplay between public and private, coercive and voluntary, occurs again. Not everyone affected or assessed by a BID is necessarily happy about it. If you're a street vendor, a vagrant, or a small-business owner who'd rather not pay the fee, you might wish the district weren't there.

Nor does opposition come only from the poorer portions of the community. As Briffault notes, the owners of big office buildings—the people who frequently face the largest assessments—are often already "providing the supplemental sanitation and security services that the BID would offer." The Oregon Downtown Development Association, which helps BIDs get off the ground, describes "large, property-owner occupied buildings" as "the most dangerous group" standing in the way.

But BIDs seem more benign compared to other sorts of urban development programs. Briffault lists several significant ways they differ from their predecessors:

- They're "not necessarily downtown-oriented." Where other programs bleed outlying neighborhoods for the sake of the central business district, BIDs help neighborhood enterprises help themselves.
- Instead of pouring money into the usual civic white elephant projects—"hotels, convention centers, sports arenas and other megastructures"—BIDs focus on "street-level services and small-scale improvements."
- Rather than diverting public money from the rest of the city, BIDs generate most or all of their own income.

The biggest problem with BIDs may be the values embedded in them: They're closer in spirit to a theme park than to a bustling urban plaza. It's one thing to crack down on litter and crime. It's quite another to do battle, as BIDs do routinely, with sidewalk vendors, leafletters, and other elements of a festive street life. The conflict becomes more acute when it turns one property owner against another. For evidence, examine Times Square in Manhattan. Its transformation from sex district to sanitized tourist haven was accomplished in part by the direct and indirect efforts of the local BID.

Political power should be as diffused and decentralized as possible, to give us both more of a voice in public decisions and more freedom to exit when our voices go unheeded. So it isn't a problem when cities devolve power to districts that want to model themselves after malls. It's a problem when they fail to grant similar toolkits to areas whose denizens prefer bazaars—or which aren't shopping centers to begin with. Washington, D.C., has four BIDs and 37 neighborhood commissions. The BIDs have the power to tax themselves to provide additional services. The neighborhood commissions don't, and thus don't have much reason to exist; they're widely regarded as one more joke in a city that's full of laughs. (And no area has the power both to tax itself and to exempt itself from the city government's levies.)

A vibrant city would have both theme parks and bazaars, self-governing business districts and self-governing neighborhoods, well-kept malls and grungy community gardens. BIDs can be a step in that direction, but if they're the only step a city takes, the town is bound for blandness. ▪

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Roy Moore's Monument

Religion has a place in the public square—but not an exclusive one.

In the perennial debates about church-state entanglement, I have often argued against the strict separationists—those who regard any religious expression within a public institution as tantamount to government-sanctioned religion.

This rigid interpretation of the establishment clause has led to fairly obvious discrimination against religious beliefs and in favor of secular ones, and to the suppression of religious speech. State universities have denied funding to student publications with religious content; high school valedictorians have been forbidden to mention God in graduation speeches; a first-grader was not allowed to participate in a classroom reading exercise because he had selected a text from a book of Bible stories.

Given such practices, many conservatives' complaints about militant secularists seeking to banish God from the public square seemed reasonable enough.

These days, though, there is so much God in the public square that you can hardly take a step without bumping into him, or at least his militant champions. And increasingly, I find myself on the other side of the divide.

Maybe the last straw was the Ten Commandments—or rather, the 5,000-pound granite sculpture of them installed in the Alabama State Judicial Building by the state Supreme Court's Chief Justice, Roy Moore. Maybe it was the spectacle of Moore playing the martyr before the cameras when he defied a federal court order to remove the monument. Or maybe it was the conservative pundits earnestly claiming that the Ten Commandments do not represent a specific religion but rather general morality, or else the "Judeo-Christian philosophy" (apparently somehow distinct from religion) that is the bedrock of our laws.

Some of Moore's defenders have indignantly pointed out that the United States Supreme Court building has a frieze depicting Moses with the two tablets of the Ten Commandments. But that proves only that, in fact, current legal doctrine does not prohibit all mention of God or all things Judeo-Christian in public spaces. It's all in the context: On the Supreme Court frieze, Moses appears in the company of history's other lawgivers, such as Confucius and Hammurabi.

In other courthouses, Ten Commandments plaques are featured along with historical documents such as the Magna Carta. "Roy's Rock," as the Alabama monument came to be known, loomed majestically alone as a symbol of Judeo-Christian supremacy—a symbol meant, in Moore's words, to convey the message that the Ten Commandments are the "moral foundation" of our law.

Are they? Only three of the commandments prohibit actual criminal conduct: killing, stealing, and bearing false witness. "Honor thy father and thy mother" is a fine principle, but it is not the law of the land. Neither is "Thou shalt have no other gods before me" and "make unto themselves no graven images." If we had a system literally based on biblical law, it would look something like the sharia code of modern-day Islamic theocracies.

Of course American culture is steeped in Judeo-Christian heritage. But our law has its roots in the secular Western tradition, from the Magna Carta to ancient Greece and Rome. Not that Roy Moore would know much about that: In a little-noticed ironic moment, he complained on Fox News' *Hannity and Colmes* that a statue of "Venus, the Greek goddess of justice" stood unmolested in front of the federal courthouse. (That would be Themis. Venus is the

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Roman goddess of beauty and love.)

Some people who agree the Ten Commandments monument is unconstitutional, such as the Boston civil liberties attorney Harvey Silverglate, are also inclined to believe that the issue wasn't worth the fight. Yet the dispute isn't just about symbolism; it is relevant to current debates about religion, law, and individual rights.

Last year, in a ruling denying child custody to a lesbian mother, Moore described homosexuality as "abhorrent," citing biblical passages as well as Alabama's sodomy law. It's no accident that Moore's supporters often mention the federal order to remove the monument in the same breath as the Supreme Court ruling overturning sodomy laws.

The connection does exist. On Fox News, Bill O'Reilly fulminated against the "agenda" of "secularists" who oppose the monument: "They want total personal freedom....They want legalized drugs, gay marriage, soft criminal penalties, and rehabilitation in prisons instead of punishment....The message is that the USA should be a place where all non-criminal conduct is permitted and moral judgments about right and wrong should never be made."

In fairness, government has been entangled with some ostensibly secular ideas that are rooted in quasi-religious zeal no more rational than that of the fundamentalists—from the nature-worshipping environmentalism dished out in many public schools to the radical feminism that permeates many federally funded domestic violence programs.

The problem is that champions of God in the public square don't just want religious beliefs to be a part of public discourse on an equal footing with secular ones. They often equate criticism of religiously based ideas with religious bigotry.

This summer, Senate Democrats blocked the nomination of Alabama Attorney General William H. Pryor Jr. to the U.S. Court of Appeals for the 11th Circuit, primarily due to his anti-abortion views. (Pryor had described *Roe v. Wade* as an "abomination.") Conservative activists accused the Democrats of anti-Christian bigotry and even ran an ad showing a "Catholics need not apply" sign over a courthouse door.

> These days, there is so much God in the public square that you can hardly take a step without bumping into him, or at least his militant champions.

Of course, there are plenty of pro-choice Catholics, including some of the Democrats who opposed Pryor's confirmation; the argument, however, is that an abortion-rights litmus test effectively disqualifies "serious" Catholics from federal judgeships.

Such a litmus test may or may not be wrong, but there is nothing new about politicians opposing judicial nominees because of their positions on issues. Is that a form of "bigotry" if such positions happen to be religiously motivated? Only if religious ideas are being placed into a specially protected category.

There is a streak of anti-religious bigotry among the so-called cultural elites—the tacit attitude that people with strong religious views must be ignorant, gullible, and narrow-minded. But a streak of religious bigotry is also alive among those who advocate a greater public role for religion.

In one recent poll, 58 percent of Americans said that one must believe in God in order to be moral. This form of prejudice is often openly promoted on the right. (Just watch Sean Hannity badger the atheist guest punching bags on *Hannity and Colmes*.) To some extent, it is also fed by the fashionable, increasingly bipartisan political rhetoric about religion as the foundation of morality.

As an agnostic, I welcome religious expression in the public square. But the endorsement of religion by the state, be it the exclusionary symbolism of the Ten Commandments or even the political promotion of a broad, non-sectarian belief in God, is something that should have no place in America. Pace Bill O'Reilly, this does not mean that "moral judgments about right and wrong should never be made"; obviously, private individuals can and should make them all the time.

In a way, the conservatives who lament the removal of the Ten Commandments from the courthouse have fallen into a classic "liberal" trap: the assumption that anything worth having is entitled to support from the government. ▯

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Tinselectomy

How much bad behavior does Hollywood cause?

IN A COURAGEOUS admission that they no longer have any serious work left to do, attorneys general in two dozen states recently sent a letter to the Motion Picture Association of America asking that Hollywood minimize smoking in movies so youngsters won't be gulled into lighting up. Taking a page from movie gangsters, who tend to threaten vaguely rather than make explicit demands, the attorneys general didn't insist on a specific remedy. Rather, said a spokesman for California Attorney General Bill Lockyer, they were merely expressing "concern for the health of our kids."

The attorneys general cited a June study from Dartmouth Medical School that claimed 10-to-14-year-olds who watched movies with a lot of smoking were more likely to smoke than those who viewed less on-screen puffing. Whether this study actually proves anything is beside the point. Everyone already knows that movies are the main source of bad behavior in contemporary society. Just like novels used to be.

Which makes you wonder: Why are the attorneys general dealing only with smoking? There are any number of other equally destructive social lessons taught by movies that need to be addressed. The list is endless, but it certainly includes the following:

• *Car chases solve problems.* At least since the chase in 1968's *Bullitt*—in which Steve McQueen also dangerously glamorizes cops who play by their own rules—virtually every movie has featured the sort of unsafe motoring that keeps driver ed teachers up at night. Only a tool of the automotive industry would deny that even adults ranging from O.J. Simpson to South Dakota Congressman Bill Janklow have been influenced by bad big screen driving.

• *Mutation is a viable path to self-improvement.* In movies ranging from *Spider-Man* to *The Hulk* to *Daredevil*, heroes benefit from exposure to radioactivity. If TV shows/films such as *Jackass* routinely induce high school honor students to roll down concrete embankments in shopping carts—and by all accounts they do—then how long is it before we read about valedictorians bombarding themselves with home-brewed gamma rays?

• *Career criminals can pull off one last heist before retiring.* How many youngsters have entered the underworld believing in this version of the golden parachute? It's a dangerous motif that formed the core of 2001's *The Score*, featuring Robert DeNiro as a thief whose confusing dream is to run a New York jazz club called Montreal. DeNiro's character screws over his double-crossing partners and walks away fabulously wealthy. That's the wrong message to send, and not just to would-be jazz club owners. Would septuagenarian New Jersey Sen. Frank Lautenberg have emerged from retirement for one last run in 2002 absent such movies?

• *Couples should work together.* This problem is less a function of movies per se than of the larger Hollywood publicity machine through which personal lives are packaged for public consumption. As the latest offering by real-life love birds Ben Affleck and Jennifer Lopez, *Gigli*, illustrates, this fantasy inevitably leads not only to relationship friction but to audience punishment. As Richard Burton and Elizabeth Taylor could attest, a relationship may survive infidelity, violence, and alcoholism, but no relationship can long withstand work projects that garner reviews such as "scene after scene makes you want to take a shower" (as one reviewer wrote of *Gigli*).

• *Crusading attorneys and paralegals are romantic, selfless do-gooders.* Whether it's Al "*And Justice for All*" Pacino chewing scenery like Marlon Brando at an all-you-can-eat buffet, Tom "*A Few Good Men*" Cruise unconvincingly demanding "the truth," or Julia "*Erin Brockovich*" Roberts foulmouthedly unearthing alleged corporate misdeeds, such films glamorize the very profession that supports attorneys general with nothing better to do than intimidate and harass an industry that has broken no laws. If even one impressionable youth has gone into law because of such movies, that's one too many. ■

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TAKING OUT ARNOLD ONE SOUNDBITE AT A TIME

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...MOMENTS AFTER ARNOLD SCHWARZENEGGER ANNOUNCED HIS CANDIDACY FOR GOVERNOR, WE GET WORD OF A NEW BOOK DETAILING HIS MANY ALLEGED PECCADILLOES...
WOW! IS THAT A COINCIDENCE OR WHAT?
THIS RECALL IS JUST A RIGHT-WING CONSPIRACY TO GET A REPUBLICAN ELECTED GOVERNOR!
BUT ARNOLD'S HARDLY A RIGHT-WINGER.
WHICH IS WHY I'M URGING ALL MY FELLOW RIGHT-WINGERS TO OPPOSE HIM!
SCHWARZENEGGER'S XENOPHOBIA IS SELF-EVIDENT IN HIS DISLIKE OF IMMIGRANTS...
BUT HE'S AN IMMIGRANT HIMSELF...
THAT'S RIGHT! AND HIS ARYAN NOTIONS OF RACIAL SUPERIORITY ARE NOT WELCOME IN THIS COUNTRY!
THE "TERMINATOR" MOVIES CLEARLY EXPOSE ARNOLD AS AN OUT-OF-CONTROL GUN NUT!
AND IN "KINDERGARDEN COP" HE EVEN ADVOCATES GUNS IN SCHOOLS...
BUT THOSE ARE MOVIES!
WHILE "TWINS" IS PRACTICALLY AN AD FOR GENETIC ENGINEERING...
HE SHAMEFULLY BOASTED OF USING MARIJUANA AND STEROIDS IN HIS OWN AUTO-BIOGRAPHY...
HE'S SINCE DISTANCED HIMSELF FROM THOSE CLAIMS...
OH? WHAT ARE YOU SO ASHAMED OF, ARNOLD!?
TO ELECT A MERE ACTOR AT THIS TIME OF CRISIS WOULD BE UNCONSCIONABLE...
HE SIMPLY DOESN'T HAVE THE RIGHT QUALIFICATIONS...
ARE YOU SAYING ONLY LAWYERS ARE QUALIFIED TO GOVERN?
OF COURSE NOT...
I'M SAYING WE HAVE TO ELECT THE RIGHT LAWYERS!

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Show Us Your Money

The USA PATRIOT Act lets the feds spy on your finances. But does it help catch terrorists?

John Berlau

"THIS IS REALLY A bill which, if enacted into law, will be [a longer] step in the direction of stopping terrorism than any other we have had before this Congress in a long time," one of the bill's sponsors declared. The legislation authorized broad surveillance of financial transactions, bypassing the Fourth Amendment's normal protections against "unreasonable searches and seizures" by requiring businesses to collect and share information with the government. After the measure passed and was signed into law, the debate was far from over. The American Civil Liberties Union and other critics continued to rail against the law as an unnecessary breach of privacy.

"Under the act and regulations the reports go forward to the investigative or prosecuting agency...without notice to the customer," one civil libertarian wrote. "Delivery of the records without the requisite hearing of probable cause breaches the Fourth Amendment....I am not yet ready to agree that America is so possessed with evil that we must level all constitutional barriers to give our civil authorities the tools to catch terrorists."

But times have changed, one of the law's defenders countered. "While an act conferring such broad authority over transactions such as these might well surprise or even shock those who lived in an earlier era," he wrote, "the latter did not...live to see the heavy utilization of our domestic banking system by the minions of organized terrorism as well as by millions of legitimate businessmen." The author did not "think it was strange or irrational that Congress, having its attention called to what appeared to be serious and organized efforts to avoid detection of terrorist activity, should have legislated to rectify the situation."

These may sound like the arguments for and against the USA PATRIOT Act, passed immediately after the attacks of September 11, 2001. But they concern another piece of legislation, the Bank Secrecy Act (BSA) of 1970. The only change I made to these decades-old quotes was to substitute the word *terrorist* for *criminal* and *terrorism* for *crime*.

The congressman was Wright Patman, the populist Texas Democrat who pushed through the bill on the prem-

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ise that it would help fight drug trafficking, tax evasion, and other crimes, including the then-prohibited ownership of gold as a commodity. The civil libertarian was Supreme Court Justice William O. Douglas. In the 1974 case *California Bankers Association v. Schultz*, Douglas wrote a dissent, joined by Justices William Brennan and Thurgood Marshall, concluding that the Bank Secrecy Act violated the Fourth Amendment. The final quote is from William Rehnquist, now the Court's chief justice, who wrote the majority opinion upholding the law.

Needle in a Haystack

The reason the arguments sound familiar is that the BSA set the precedent for much of the PATRIOT Act, not to mention government fishing expeditions such as the Pentagon's aborted Total Information Awareness program. The law authorized the government to require bank reports of all transactions over a dollar value set by the Treasury Department, even if there is no reason to suspect a criminal connection. For the first time, in the words of the U.S. District Court for the Northern District of California, "the government claim[ed] the legal right to maintain routine surveillance, without summons, subpoena, or warrant, over the details of citizens' financial transactions."

The district court struck down the BSA's reporting requirement, but its decision was reversed by the Supreme Court. In a complicated majority opinion, Rehnquist said that banks, as businesses, don't have the same Fourth Amendment rights as individuals. The opinion relied on the many post–New Deal cases that minimized economic liberties, including one that said "corporations can claim no equality with individuals in the enjoyment of a right to privacy." In this and in a subsequent BSA case, *U.S. v. Miller* (1976), the Court ruled that a bank's customers generally lack standing to challenge the law.

Law enforcement agencies thus found a convenient end run around the Fourth Amendment. They can access the details of a bank customer's transactions from the Treasury Department's Financial Crimes Enforcement Network (FinCEN) without showing probable cause—or any evidence at all. That is why the PATRIOT Act's defenders argue that the law is not a radical departure from what the government already had the power to do. Writing in the Summer 2003 issue of *City Journal*, the Manhattan Institute's Heather Mac Donald accuses the PATRIOT Act's opponents of trying to "invent new rights," because it has long been the case that "there is no Fourth Amendment privacy right in records or other items disclosed to third parties."

While Mac Donald may be partly right about the case law, she overlooks two important questions. One is whether surveillance programs like FinCEN are consistent with the principles of a free society. The other is how effective they've been: Have we gotten more security during the last 30 years in exchange for the privacy we've sacrificed? Looking specifically at the BSA and other bank surveillance measures, prominent experts in law enforcement, national security, and technology say the answer is no. The record of FinCEN, the agency that was charged with tracking terrorist financing prior to 9/11, seems to vindicate their arguments. The lack of success with the financial information that the government has long been collecting does not bode well for more-ambitious data dredging plans. Indeed, experience suggests that piling up more data could make it *harder* to zero in on terrorists.

"I consider all these measures to be highly counterproductive," says John Yoder, director of the Justice Department's Asset Forfeiture Office in the Reagan administration. "It costs more to enforce and regulate them than the benefits that are received. You're getting so much data on people who are absolutely legitimate and who are doing nothing wrong. There's just so much paperwork out there that it's really not a targeted effort. You have investigators running around chasing innocent people, trying to find something that they're doing wrong, rather than targeting real criminals."

The paperwork is indeed massive. Even before the PATRIOT Act, banks sent more than 12 million transaction reports to the government in 2000 alone. In a 2000 report for the Competitive Enterprise Institute, economist Lawrence Lindsey, who later became head of the Bush administration's National Economic Council, calculated that banks file more than 100,000 reports on innocent customers for every money laundering conviction. Oliver "Buck" Revell, a highly decorated 30-year veteran of the FBI who supervised the bureau's counterterrorism division in the 1980s and '90s, agrees that the sheer volume of data generated by these measures can overwhelm law enforcement efforts. "You can be buried in an avalanche of information,"

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In the debate over the PATRIOT Act and other broad surveillance measures, the Bank Secrecy Act should be thought of as a 30-year experiment in subverting the Fourth Amendment.

Revell says. "The total volume of activity makes it very difficult to track and trace any type of specific information....It's virtually impossible to look at millions and millions of CTRs [currency transaction reports] and make any sense out of them if you don't have some prior intelligence as to what might be occurring."

Yoder argues that the information overload from bank surveillance contributed to the intelligence failure before the September 11 attacks. "We already had so much information that we weren't really focusing on the right stuff," he says. "What good does it do to gather more paperwork when you're already so awash in paperwork that you're not paying attention to your own currently existing intelligence gathering system?"

While it did not cite the BSA directly, the recently published Joint Congressional Inquiry report on intelligence lapses before 9/11 did find that law enforcement and intelligence agencies faced a "huge volume of intelligence reporting," within which were "various threads and pieces of information that, at least in retrospect, are relevant and significant." The report concluded that "although relevant information...was available to the Intelligence Community prior to September 11, 2001, the Community too often failed to focus on that information and consider and appreciate its collective significance in terms of a probable terrorist attack." This was partly because analysts were trying to find a needle in a very large haystack of data created by laws like the BSA.

Banker or Spy?

Fears that the BSA would swamp law enforcement with data were expressed from the beginning. The federal court decision striking down the law's reporting requirement (issued, coincidentally, on September 11, 1972) called the BSA a "far-fetched" way to catch criminals and warned that it could be counterproductive. The court quoted an IRS commissioner as saying that "the creation of a mass of paper beyond our capacity to utilize could have the effect of submerging and making unobtainable information of special interest to us."

Despite such concerns, financial surveillance has been massively expanded during the last 30 years, while other intelligence-gathering techniques, such as the use of informants, have been sharply restricted. The Treasury Department's BSA regulations required banks, subject to some exemptions, to file a currency transaction report on every cash transfer of $10,000 or more. In the 1990s, the department established FinCEN, which expanded the regulations to require that banks file "suspicious activity reports" on all transactions of $5,000 or more if they have "no apparent lawful purpose or are not the sort in which the particular customer would normally be expected to engage." Banks are forbidden to notify customers about the reports. "In effect, bankers have been drafted as spies and snitches," wrote banking industry consultant Bert Ely in a 2002 paper for the conservative Free Congress Foundation.

"Know Your Customer" rules, proposed by FinCEN and the Federal Reserve in 1998, would have required banks to profile every customer's "normal and expected transactions" and report the slightest deviation to the feds. The rules were withdrawn after the Libertarian Party, the ACLU, and other groups helped generate 300,000 public comments in opposition.

But according to *Wired* magazine, as of 1999 more than 88 percent of U.S. banks already had "Know Your Customer" policies in place to satisfy

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Few politicians, even among those who have criticized other parts of the PATRIOT Act, are willing to challenge the proposition that businesses should be deputized to spy on their customers.

regulators who looked at their suspicious activity reports. And after the September 11 attacks, regulators began openly using the phrase again. At an American Bankers Association conference in October 2001, Federal Reserve Bank of Atlanta Vice President Suzanna Costello told the audience her agency was "looking for...effective Know Your Customer" programs at the banks it regulates. "A year ago, I wouldn't have even said 'Know Your Customer,'" she said. "But I see that it's back."

The Citizen-Soldier Burden

Customer surveillance is not just at banks anymore. In his dissent in the California Bankers Association case, Justice Douglas made a sarcastic suggestion that turned out to be prophetic: "It would be highly useful to government espionage to have reports from all our bookstores, all our hardware and retail stores, all our drugstores....What one buys at the hardware and retail stores may furnish clues to potential uses of wires, soap powders, and the like used by criminals."

Even before 9/11, FinCEN had put out a rule applying the "suspicious activity" reporting requirement to any establishment that processed money orders or sold smart cards, including convenience stores. The PATRIOT Act extended the requirement to many more businesses. FinCEN, pursuant to the act, recently put the "suspicious activity" reporting rules into effect for brokerage houses, and real estate transactions are next on the list. The law also specifically covers casinos, credit card agencies, and life insurers. In the next few months, the *Broward Daily Business Review* reports, "the Treasury Department will decide whether the act covers travel agents, automobile dealers, mutual funds and dealers in precious metals and stones." And under the law, virtually all businesses, including the "hardware and retail stores" mentioned by Douglas, now have to report to the government any cash purchases over $10,000.

Treasury Department General Counsel David Aufhauser explained the new reporting requirements this way in a 2002 interview with *The Washington Post*: "The Patriot Act is imposing a citizen-soldier burden on the gatekeepers of financial institutions." He justified this burden by arguing that "they are in the best position to police attempts by people who would do ill to us in the U.S. to penetrate the financial system."

Few politicians, even among those who have criticized other parts of the PATRIOT Act, are willing to challenge the proposition that businesses should be deputized to spy on their customers. The late Justices Douglas, Brennan, and Marshall might be shocked that liberal Democrats in Congress such as Sens. Carl Levin of Michigan and Paul Sarbanes of Maryland have been the biggest proponents of expanding the Bank Secrecy Act. They see it as a way of targeting wealthy people who pay less than their "fair share" in taxes by moving some of their investments overseas. The only member of Congress who has gone on record in support of repealing the BSA entirely is Rep. Ron Paul (R-Texas).

Yet given the BSA's track record, experts say there's no reason to believe the new financial surveillance measures will stop the next attack. They could simply swamp law enforcement with even more useless data. The critics say reporting mandates have flooded the government with massive volumes of irrelevant information, such as reports on the "suspicious activities" of law-abiding customers withdrawing large amounts of money for medical treatment or depositing thousands of dollars in casino winnings, and

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have not been effective in either attacking the drug trade or preventing terrorist attacks.

J. Michael Waller, vice president of the Center for Security Policy, a hawkish D.C. think tank, is usually not in sync with the ACLU. He fully supports Attorney General John Ashcroft's detention of Arab visitors and advocates targeted ethnic profiling. But he calls the BSA's routine mass surveillance measures "really, really dumb."

"To me, it's just a well-intentioned thing with no *cojones* behind it," says Waller, who is also a professor of international communications at the Institute of World Politics in Washington. "It's a huge burden on the banks. It could mean that every time somebody trades in some stock and just buys other stock with the same money, it's got to be reported to FinCEN. [FinCEN bureaucrats] are giving themselves millions of times more information than they can possibly handle or analyze....What if you get a $25,000 or $50,000 book advance? 'Oh, that's an anomaly; let's look at this guy.' Think of the probably millions of anomalies occurring every day. It's really stupid."

Hawala Bungle

Although it was not one of the agencies covered in the 9/11 report, FinCEN had its own intelligence failures, and they cast light on how effective the expanded financial reporting mandates might be. In the months prior to 9/11, FinCEN appeared to be choking on the flood of bank reports it received. In the March 25, 2002, issue of *Insight*, Jamie Dettmer reported that "Treasury sources say there is a two-year backlog of SARs [suspicious activity reports] still waiting to be entered into the agency's computers." In addition, several banking compliance officers told him "they were unaware of any SARs they'd filed being followed up by federal investigators."

FinCEN apparently was so busy processing paperwork that it ignored the valuable advice of one of its experts—advice that many say could have led to the Al Qaeda money trail. Patrick Jost, who came to FinCEN in the '90s with an atypical background as a jazz musician, linguistics instructor, and video game programmer, was an expert on *hawala*, the shadowy, informal system of money trading in South Asian and Middle Eastern countries that leaves a very faint paper trail. In a hawala transaction, someone from Pakistan living in America could send money back home by paying a U.S. vendor, who in turn would contact a trusted partner in Pakistan, who would give the money in local currency to its intended recipient. The money technically never leaves the U.S. It is a money transfer without money movement. Although hawala is often used for innocent purposes such as sending money to relatives, in the late '90s there was already evidence that it was being used by terrorists. As Jost documented in a 1998 paper he co-wrote for Interpol, terrorists used hawala to finance a series of bomb blasts in Bombay, India, in 1993.

William Wechsler, head of a White House working group on terrorist financing, met with Jost in 1999. Wechsler recalls that after hearing Jost's explanation of hawala, he spread the word to counterterrorism experts in the government, many of whom contacted Jost for help. Jost was also doing research on other aspects of terrorist financing, such as the countries terrorist money flows through. But FinCEN, even though it was charged with helping law enforcement track criminal money laundering, instructed him to decline Jost's offer of assistance and discouraged him from pursuing further research on terrorism financing. Jost told *The Washington Post* in 2001 that FinCEN Director James Sloan and Chief of Operations Connie Fenchel "didn't want FinCEN to pursue this line of work." According to the *Post*, after being "made to feel unwelcome, Jost left government in June 2000." (Jost and FinCEN officials declined to comment for this article.)

Wechsler recalls that the issue of terrorism did not seem to be a high priority for FinCEN, which appeared much more interested in processing data for the drug war. "FinCEN, along with the rest of the federal law enforcement community, for too long assigned far too low a priority to understanding the nature of and the threat from underground remittance systems, like the hawala network," he says.

Now that supposedly has changed. FinCEN has set up a toll-free number for banks to report transactions they truly think are suspicious, and the Treasury Department has a targeted "watch list" of suspected terrorists for banks to report on. But FinCEN and other agencies will still be inundated with an even bigger flood of reports about mostly legal financial transactions, thanks to the mandates of the BSA and the PATRIOT Act.

Wechsler, along with other Clinton administration officials such as Treasury Undersecretary Stuart Eizenstat, supported the expansion

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of "suspicious activity" reporting. (He proudly claims that "there are a lot of provisions of the PATRIOT Act that the Clinton administration had asked for.") He argues that new technology will be able to sift through the data. "We should spend the money that it takes to make sure we are able to use the information as effectively as possible, and that we are able to give back to the banking community the after-action reports, how it was used," he says. "But all of those are marginal questions compared to the overall statement that this is way too burdensome and useless. It's nonsense; it's very useful."

Yet for 30 years agencies have said technology eventually would be able to pinpoint the needle in this enormous haystack, and the elusive technology has yet to appear. The Pentagon's Total Information Awareness (TIA) project was aimed at developing methods to sift through huge volumes of data from public and private sources, looking for patterns that could indicate terrorist activity. After a loud public outcry about the privacy implications, Congress voted earlier this year to deny the project funding. Now the Pentagon is trying to revive it under a new name, Terrorism Information Awareness.

Missing Human Intelligence

Professional criminals often know the banking laws and how to get around them. And terrorist money, without prior intelligence, appears to be even harder to track than drug money. While large cash transfers can occasionally tip off authorities to drug activity, terrorists leave few telltale financial signs. As Jost pointed out in Senate testimony in late 2001, money used for terrorism often comes from legal businesses and charities. "With a certain amount of simplification, money laundering and terrorist financing are opposites," he said. "In money laundering, dirty money becomes clean; in terrorist financing, clean money become dirty."

Take the September 11 hijackers. The only way we know of that any of them broke the law prior to the attacks was by overstaying their visas. They gave no signs to the financial institutions they dealt with that they were plotting something sinister. "The terrorists didn't spend a whole lot," observes Richard Rahn, a senior fellow at the Seattle-based Discovery Institute and the author of *The End of Money and the Struggle for Financial Privacy*. "They stayed in cheap hotels, ate in cheap restaurants and rode in cheap rental cars....And so these measures that are promulgated to try to just collect financial information willy-nilly are not really very useful." Bert Ely, the banking consultant, noted in his Free Congress Foundation paper that "the FBI has estimated that the Sept. 11th hijackers spent just $500,000 over more than a year carrying out their diabolical acts. Payments moving through the U.S. financial system average $1.7 trillion per business day."

A SunTrust bank in Florida did file an internal report, as required for wire transfers of $3,000 or more, on money received by 9/11 ringleader Mohammad Atta, which came from the United Arab Emirates in 2000 and totaled more than $100,000. But "there was nothing unusual in the way those accounts and transactions were opened or maintained," says SunTrust spokesman Barry Koling. The only possible tipoff was that the money came from the UAE, which Jost had identified in his 1998 Interpol report as a hotbed of hawala and terrorism financing. But FinCEN apparently had not issued any warnings about the UAE, as it had about Colombia and other hot drug spots.

That oversight illustrates the importance of what's called "human intelligence." Both privacy and national security advocates say that since the advent of massive databases and laws like the BSA, the government too often has relied on technology as a savior and disregarded the importance of human sources, both experts in the field and snitches among the bad guys. FBI veteran Revell says that in his major cases, it was the informant who led to the financial data, not the other way around. "When we were investigating the skimming of the casinos by the mob in Las Vegas [in the late 1970s and early '80s], we had to have intelligence on how it was being done before we could really determine evidence of how it was being done," he recalls. "The development of informants within the mob's control structure of Las Vegas led us to be able to discover the money laundering and to bring charges and wipe the mafia out in Las Vegas."

Even data mining experts say the most advanced technology is useless without human intelligence. "The data won't do anything unless you ask the right questions," says Marc Epstein, CEO of Data Mining International, a Los Gatos, California, firm that makes software for the U.S. Customs Service and other law enforcement agencies. Epstein says that before the government starts collecting massive

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Getting back to the standards of the Fourth Amendment is a good idea, not just for securing privacy but for making law enforcement and intelligence agencies more focused and effective at stopping criminals and catching terrorists.

data for a TIA-style program, it should make better use of the data it has. He says there is much that can be gleaned simply from the customs data of goods going into and out of the country. "From a pure law enforcement point of view, putting aside privacy concerns, more information is better," Epstein says. "But we're not using the information that we have well."

30 Years of Failure

There are plenty in the tech world who would take issue with Epstein's assertion that more information is always better. Software engineer Bruce Schneier, for example, has written about the inevitable problem of "false positives" in a large database. Passengers at airports are already seeing the effect of false positives that mistakenly put them on "no fly" lists, presumably because their names are similar to those of terrorists or criminals. Recent press reports have chronicled the travails of several men named David Nelson, including the actor who played himself on the popular '50s TV show *The Adventure of Ozzie and Harriet*, who have been delayed or prevented from catching their flights because the name mysteriously set off an alarm in an airport computer.

"When you are scanning a population that is composed of hundreds of millions of people, and the class of criminal you're looking for is a couple hundred or a couple thousand, there are no tools available, and there are almost certainly never going to be tools available, with the sophistication to focus almost exclusively on the bad guys," says Bob Gellman, who in the '90s acted as chief counsel of a House subcommittee on privacy and technology. Gellman says data mining's success in the private sector will never translate to law enforcement because a different level of precision is required. "If direct marketing companies, with all the research they do, get a 3 percent response rate, they're ecstatic," Gellman says. "And these are smart people with lots of data and lots of motivation because they're making money, and they can't do much better than that."

In the debate over the PATRIOT Act and other broad surveillance measures, the Bank Secrecy Act should be thought of as a 30-year experiment in subverting the Fourth Amendment. The experiment has imposed tremendous costs on individual privacy and the economy (even before 9/11, the banking industry was estimating compliance costs of $10 billion a year), with few tangible results in stopping crime and even fewer in preventing terrorism. Getting back to the standards of the Fourth Amendment is a good idea, not just for securing privacy but for making law enforcement and intelligence agencies more focused and effective at stopping criminals and catching terrorists.

"Most police officers, I find, have very high regard for and deference to the Fourth Amendment," says Bob Barr, the former CIA agent and U.S. attorney who served as a Republican congressman from Georgia for eight years and is now a consultant on privacy issues for the ACLU and the American Conservative Union. "I think they understand, perhaps better than a lot of bigwigs, that it is there to protect them and to help keep them focused as well as to protect the individuals." ◻

John Berlau, a writer for Insight magazine (www.insightmag.com), received the National Press Club's 2002 Sandy Hume Memorial Award for Excellence in Political Journalism.

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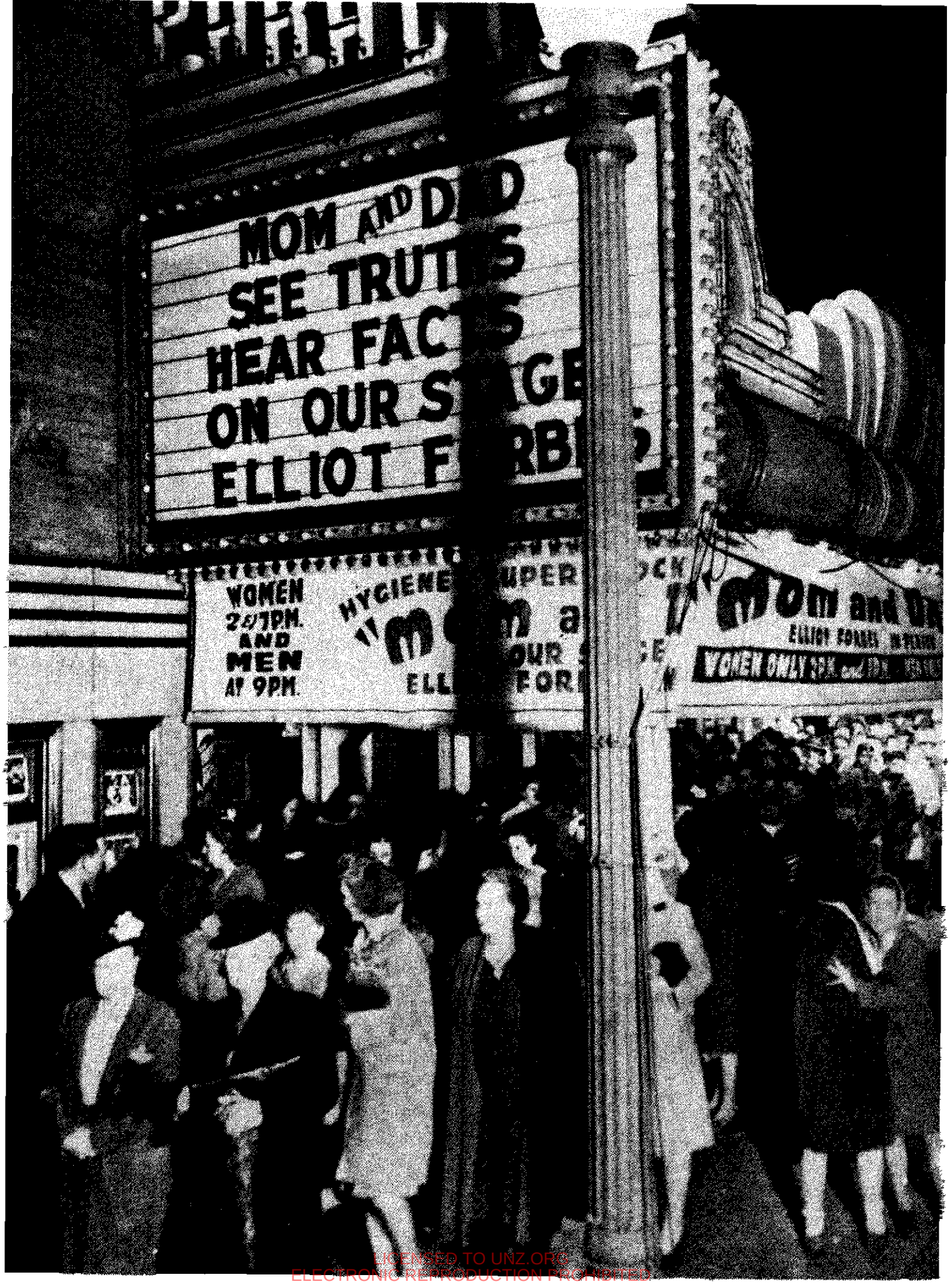

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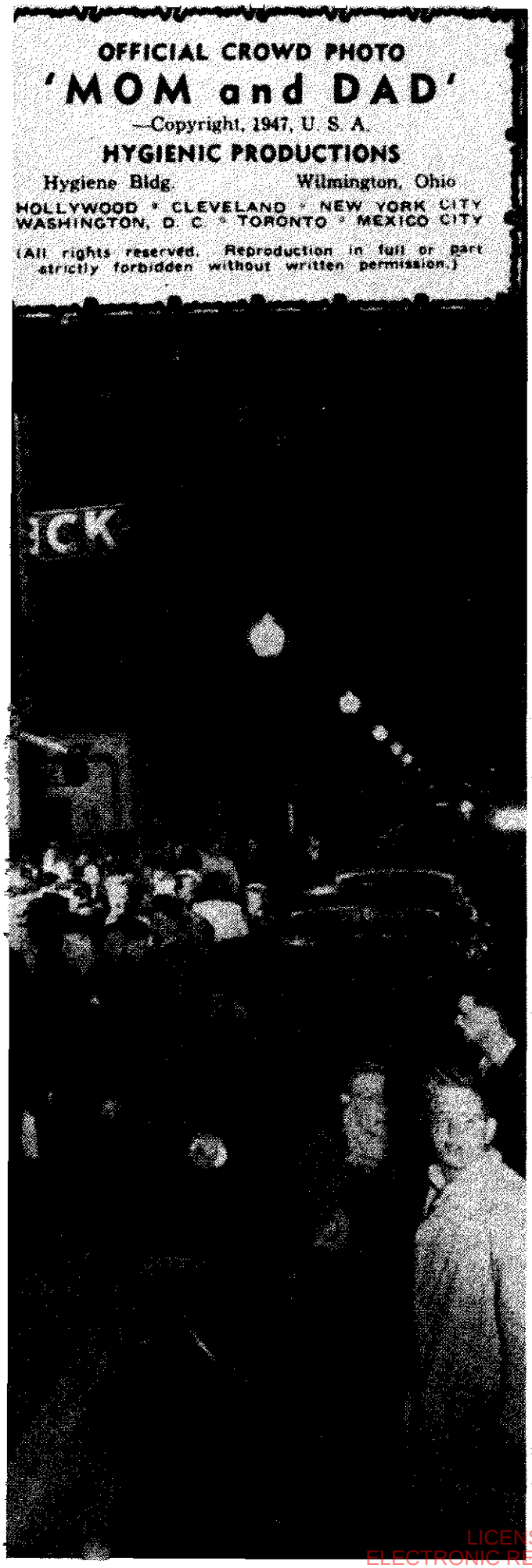
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Official crowd photo for the film *Mom and Dad*, 1945, © Everett Collection

Kroger Babb's Roadshow

How a long-running movie walked the thin line between exploitation and education

Joe Bob Briggs

"ONCE IN A LIFETIME Comes A Presentation That TRULY PULLS NO PUNCHES! Now YOU Can SEE The Motion Picture That DARES DISCUSS AND EXPLAIN SEX AS NEVER BEFORE SEEN and HEARD! THE ONE, THE ONLY, THE ORIGINAL...*MOM AND DAD*...Truly The World's Most Amazing Attraction! NO ONE UNDER HIGH SCHOOL AGE Admitted Unless Accompanied By Parents!! EVERYTHING SHOWN! EVERYTHING EXPLAINED!"

If you lived in a small town in the 1940s or '50s, it was virtually impossible *not* to know about a film called *Mom and Dad*. Sooner or later a flamboyant publicity man would drive into town, the ads would appear, and the tempestuous debate would begin. Plastered on every available storefront, barn, bus bench, and shoeshine stand was a poster seducing you with an attractive couple in mid-kiss and black bold-faced ballyhoo exploding all around them. And in a black box in the lower left-hand corner:

"Extra! IN PERSON: ELLIOT FORBES, 'THE SECRETS OF SENSIBLE SEX.'"

Alarmed letters to the editor would appear in the newspaper. Clergymen would express opinions from the pulpit. If you were Catholic, you'd be banned from attending. In some towns the police would send men to check the film for vio-

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lations of the obscenity statutes. And as soon as the first women-only matinee was screened, at 2 p.m. on a Friday afternoon, the town would blaze with *Mom and Dad* gossip. Though all but forgotten today, *Mom and Dad* was so heavily promoted that *Time* once remarked that the ad campaign "left only the livestock unaware of the chance to learn the facts of life."

But this was not Hollywood promotion. In fact, Hollywood spent 20 years campaigning to get rid of movies like *Mom and Dad*. This was the last wave of the 19th-century medicine shows—part biology lesson, part sideshow, part morality play, part medical "shock footage"—and to this day many old-timers regard it as the purest and most successful exploitation film in history. It played continuously for 23 years, still booking drive-ins as late as 1977, and grossed an estimated $100 million.

Kroger Babb, who billed himself as "America's Fearless Young Showman," ruled over a vast army of *Mom and Dad* "roadshow units" from his headquarters in Worthington, Ohio. He used a form of exhibition that has all but disappeared today, called "fourwalling." Instead of booking his film into theaters for a percentage of the box office, he would simply rent the theater outright and take it over for the week or, in smaller markets, just one or two days. He would pay for all advertising and promotion, put his own banners and marquees out front, and turn the theater into a midway attraction, complete with lobby curiosities designed to lure customers. But because he was a pariah in Hollywood, he had to use independent mom-and-pop theaters that weren't part of the big chains like Paramount and RKO, and he had to fight censorship boards, police forces, judges, clergy, and outraged newspaper editors everywhere he went. The film was in 400 separate court proceedings during its run.

The Blowoff

Babb was an expert at creating a kind of mob psychosis that peaked at the moment the projector started to roll. Watching the film today, it's all but impossible to recreate the atmosphere of a capacity audience waiting breathlessly to see things they knew were forbidden and probably shocking. It was Babb's peculiar genius that he was able to evoke the emotions of a horror movie using what is actually one of the blandest, most formulaic stories ever concocted.

When the opening titles come up and the lush strings of the orchestra play the *Mom and Dad* theme music, the first thing you see is a type crawl:

"Foreword. Our story is a simple one! It happens every night, somewhere. It is the story of Joan Blake—a sweet, innocent girl growing up in this fast moving age. The temptations which she faces are as old as Time itself. But Joan is no better fortified against them than was the girl of yesteryear, because her mother—like many mothers—still thinks that ignorance is a guarantee of virtue. 'IGNORANCE IS A SIN—KNOWLEDGE IS POWER.' In this modern world Youth is entitled to a knowledge of Hygiene—a complete understanding of the Facts of Life. Boys and girls of today aren't bad! But millions of them are becoming sexual delinquents and the victims of venereal disease, simply because they do not know the Full Truth about these subjects. This problem is a challenge to every Mom and Dad. If our story points the way to a commonsense solution...and saves one girl from unwed motherhood...or one boy from the ravages of social disease...it will have been well told! THE PRODUCERS."

This had two functions: to lessen the chance of obscenity prosecutions, and to make the film palatable to women. In fact, women tended to like the film more than men, who were often a little disappointed by the lack of sex and nudity.

The first hour of the movie was devoted to showing how a sweet and pretty young girl like Joan Blake could easily have her life ruined by pregnancy. She goes to a local dance, where she's swept off her feet by a handsome and worldly pilot who steals a kiss as they walk outside. They hold hands and make eyes at each other while watching a jitterbug contest, a torch singer, and a teenage acrobatic act—all the usual padding found in exploitation films of the period. The next night he takes her to a smoky night club in his roadster, overwhelms her with sweet talk on a moonlit lover's lane, and convinces her that two people as much in love as *this* should definitely go all the way with it. Slow fade as the young lovers descend into the front seat.

Shortly thereafter the handsome pilot has to leave town on business, but he continues to write to her. When he mentions in one of his letters that it's been four weeks since he left, Joan suddenly becomes concerned. She checks her calendar and is obviously worried. She goes to her mother and asks if she has any "hygiene books," but her parent is

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flabbergasted by the request. "You're not married yet," says Mom.

A short time later Joan's father notices an article in the newspaper: A young man named Jack Griffith—the pilot who took her virginity—has been killed in a plane crash. Joan drops a dinner plate when she hears the news, goes to her room, tears up the love letter she's just written, and puts her head down on her desk.

At this point the film would stop entirely and the house lights would come up. Elliot Forbes, an "eminent sexual hygiene commentator," would stride onto the stage and deliver a 20-minute lecture on the need for openness in sex education, the morality of the times, the biology of the body, and what the community can do to avoid the ruination of its youth.

If anyone checked the credentials of Elliot Forbes, he would have discovered that the speaker was the busiest man in the history of the lecture circuit, appearing 78 times a day in cities scattered from Maine to Oregon. There were actually 26 Elliot Forbeses, one for each roadshow, and Babb hired most of them from the ranks of retired or underemployed vaudeville comedians. They knew how to work crowds with a combination of earnestness, humor, and downhome "just folks" patter that would always crescendo at the moment when they held up two paperback books—one called *Man and Boy*, the other called *Woman and Girl*—and made a spiel for "a set of these vitally important books to be read in the privacy of your own home." Two women in nurse uniforms—supposedly stationed in the theater to take care of people who fainted or had heart attacks—would then pass among the crowd collecting money and distributing the volumes.

The books themselves were rehashes of venereal disease and pregnancy information that could be obtained at any public health agency. The Elliot Forbes speech was what is known in the carnival world as a "blowoff," long used in 10-in-one freak shows to hustle additional money from people who had already paid an admission price. In any good blowoff, there's the constant implication that the "good stuff" is in the attraction you haven't paid for yet—in this case, the book. Forbes' main job was to sell the books, which frequently augmented the box-office take by as much as 50 percent. In 1957, for example, at a four-week showing of *Mom and Dad* in Baltimore, the box-office gross was $82,000, but 45,000 copies of the books were sold, resulting—after deducting printing and expenses—in a $31,000 additional profit.

The Busybody Villainess

After Forbes had left the stage and the money had been collected, the film would resume with our heroine sick to her stomach, sleeping late, and discovering that her clothes no longer fit her. (The actors never use the word "pregnant.") After a few scenes of dramatic desperation—including an off-screen suicide attempt—Joan's brother forces her to tell him the truth. Knowing he can't trust their straitlaced parents, he seeks advice from Carl Blackburn, a kindly teacher who was fired from the high school for teaching sex education and now sells insurance. After a night of agonizing, Blackburn calls on Joan's mother and informs her that "your daughter is going to have a baby."

The mother has been the busybody villainess of our story all along. As the member of a women's club that constantly crusades against public lewdness and drinking—the same club that got the science teacher fired—she believes that sex should never be discussed in the home.

If anyone checked the credentials of Elliot Forbes, he would have discovered that the speaker was the busiest man in the history of the lecture circuit, appearing 78 times a day in cities scattered from Maine to Oregon.

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Her reaction to the news: "Who was the boy? I'll have him arrested."

"They didn't tell me his name," replies the defrocked teacher. "After all, why blame the boy?"

The hysterical mother demand to know who Blackburn *would* blame. "I'd blame you, Mrs. Blake," he replies, "you and every parent who neglects the sacred duty of telling their children the real truth. Why were your children afraid to come to you in their trouble? Why did they have to come to me for advice? Remember this, Mrs. Blake, when your children have to go to someone else for advice, you've fallen down from your job."

In the next scene Joan and Mrs. Blake are riding the train to Boston, where Joan will finish her pregnancy in secret under a doctor's care, but the grim faces of mother and daughter tell us all too plainly that their lives will never be the same.

Pickles and Beaver

At this point the story is, for all practical purposes, over. There's one point of minor suspense —will Joan be OK and what will she do with the baby?—but very little is made of that. In fact, the whole first 90 minutes has been a set-up for three films-within-the-film that everyone will remember long after they've left the theater.

With wife and daughter packed off to Boston, Mr. Blake is suddenly roused out of his blasé attitude and tells Blackburn that he intends to go to the school board and get him rehired. Now more than ever, "They need that class in social hygiene!" Cut to the principal's office where, in one of the more forced segues in screenwriting history, the returning teacher tells the principal, "I was talking with Mrs. Hayworth yesterday. You know, she's the sister of the famous Chicago specialist Dr. Ashley. She tells me he has some wonderful films explaining childbirth. But best of all, she says he's due here for a rest in October!"

"Do you suppose we could get him to talk to a small group like ours?" asks the principal.

"Well, I'll ask her to write to him about it. You never know until you try!"

In the next scene Blackburn is introducing Dr. John D. Ashley, an obstetrician, to a class of high school girls. Dr. Ashley has been kind enough to bring along some films made in his hospital. The first one is called *The Facts of Life: An Explanation of Sex Cycles*. An authoritative narrator begins: "Every girl should know the functions of the female body." Charts are revealed, showing the female menstrual cycle, drawings of the genital organs, how ovulation occurs, how spermatozoa impregnate an ovary, time-lapse depictions of the growing fetus, and then suddenly—almost without warning—graphic footage of a live birth!

The umbilical cord has scarcely been snipped before the second film commences: *Modern American Surgery*, in which a "famous American Surgeon" will perform a Caesarian section on-camera. In an operating theater full of white-masked attendants and spectators, we watch as the incision is made ("from pubis to umbilicus"), as layer after layer of the skin and womb are cut open, as water and other fluids spray wildly, and then as the baby is removed with forceps. The film lingers for the sewing up and a few injections "to relax the mother," followed by an encomium to "one of the great miracles of modern surgery."

But wait! There's more! Two scenes later an expert on venereal disease named Dr. Burrell addresses an all-*male* class. And now comes the *piece de resistance*. The third film-within-the-film is called *Seeing Is Believing*, and it's every teenage boy's nightmare, showing grainy footage of syphilis

Charts are revealed, showing the menstrual cycle, drawings of the genital organs, how ovulation occurs, how spermatazoa impregnate an ovary, time-lapse depictions of the growing fetus, and then suddenly—almost without warning—graphic footage of a live birth.

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victims struggling to walk, blinded, horribly scarred, teeth rotting, their bodies oozing with chancres and open sores, and, in one case, a fleeting image of a person whose feet have been eaten away by disease. Throughout the film there are silent-movie-style caption cards: "Millions learn these facts the hard-way...by bitter experience!" "The Price of Ignorance!" "Self-Styled MORALISTS Would Like To Keep These Facts A Secret!!!" "Is The Gamble Worth the Price?" The audience sees crippled and blind crying babies, horrible pox-ridden arms and legs, a festering sore where someone's eye used to be, and the big payoff, introduced by the title card "Doctors and Health Officials Agree—These shocking pictures of infected genital organs will awaken you!" What follows are fully naked bodies, but so bruised and disease-ridden that they're anything but attractive. The film concludes, oddly, with images of track and field athletes, healthy young swimmers, and the U.S. Army marching in formation, as though to say, "This is what Americans *should* look like."

Mom and Dad, June Carlson, 1945. © Everett Collection

Joan's story has three more brief scenes, concluding with a doctor coming into a waiting room where the nervous Blake family is pacing and praying, to say "It's all over." Joan has a good chance of recovery. And the baby? In the version I saw, the doctor says the baby has just barely survived—presumably to be adopted by a childless couple—but I've also seen accounts by *Mom and Dad* viewers who claim the baby is stillborn. The fact is, there were dozens of versions of *Mom and Dad*, including some that didn't have any films-within-the-film, so that the movie could still play in markets with strict obscenity laws. Babb was not above showing his "cold" version to local authorities and screening the "hot" version in the theater. He also always carried with him a "square-up reel." In cases where he was forced to show the "cold" version, he would sometimes be faced with an angry audience that felt cheated by the absence of what they felt they had been promised by the advertising. To appease them, he would quickly rack an additional reel of what the carnies called "pickles and beaver"—footage of full-frontal nude bodies. Remarkably, it worked. The audience left feeling they had experienced at least a little of the "good stuff."

There's one additional piece of film after the story ends. The final screen image is Kroger Babb himself, sitting at his desk and speaking directly to camera. "And now, friends, you've seen the entire production," he says. "If you agree that these pictures have been bold and shocking enough, that you've learned a very worthwhile lesson from them, I wish you'd show the management your appreciation at this time. By your applause." And of course the theater, so prompted, would erupt in applause, thereby cutting down on the possibility of anyone ever asking for his money back.

Clap Operas

This brief coda is actually the essence of Babb's shell game. He says "if you agree that..." and then includes *two* reasons to like the movie—that it was shocking, and that it was educational. But he speaks as though they're the same thing. An astute student of human nature, he knew everyone needed both—you bought the ticket because you wanted to be exposed to the forbidden, but you *told* yourself and others that you had no choice but to be educated. It was a movie that could be marketed with a straight exploitation campaign if it played in grindhouses and all-male theaters, or an "educational" campaign that would have entire high schools buying tickets for its students.

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Although syphilis and gonorrhea had periodically ravaged America throughout the 19th century, the subject was not addressed on stage or screen until 1913, when Eugene Brieux wrote a play called *Damaged Goods*. In it, a young lawyer gets syphilis from a streetwalker while drunk at his bachelor party. Ignoring the advice of his doctor, he marries his fiancée in order to collect a dowry, thereby infecting his wife and baby. The drama avoided censorship by being sponsored by a medical organization and exploiting a common fear of the time—that the upper classes were in danger of strange diseases brought to America by the hordes of lower-class immigrants. When the play was made into a Mutual Film in 1914, it took in $2 million at the box office, a virtually unheard-of amount at the time.

Damaged Goods marked the birth of the sex-hygiene film. A ripoff called *A Victim of Sin* came out almost immediately, and there were at least 20 more films about VD before 1920. But the real birth of what producers would come to call the "clap opera" occurred at the end of World War I, when a man named Isaac Silverman purchased two films that the armed services had used to train soldiers about the dangers of venereal disease. *Fit to Fight*, the story of five young men in army training camp, and *The End of the Road*, the story of two women in trouble, included explicit medical footage showing the ravages of gonorrhea and syphilis, complete with pus-filled open sores.

What could be better for a film-hungry public constantly in search of new sensations? Silverman booked the films all over the country, where they played to capacity audiences, including 12 weeks (!) at the Grand Opera House in Brooklyn. They also attracted the attention of local morals crusaders, who managed to get them banned in many cities. The Catholic Church, upset by the films' advocacy of "chemical prophylaxis," organized a pamphlet campaign to stop the films.

The Outlaw Studio

From that time forward, a new kind of film exhibition would arise. Silverman showed his films to "adults only" (no one under 16), a phrase that would become code for titillating subject matter, and he also segregated the screenings by gender. Babb would later codify this tradition in every contract he ever signed, specifying that the words "Adults Only" must be on all advertising and barring any distributor from showing *Mom and Dad* to mixed audiences. Women would be too embarrassed to watch a sex hygiene film in the company of men, so he would have two women's-only screenings per day, one at 2 and one at 7. The men wouldn't be allowed to see the film until 9, and by that time they were so overwhelmed with curiosity, wanting to know WHAT THE WOMEN WERE TALKING ABOUT, that his late-night males-only screenings came to be called "The Thundering Herd."

The sex hygiene film contributed greatly to the notorious Production Code that would muzzle Hollywood studios for decades to come. The first motion picture censorship law had been passed in Chicago in 1907, and by 1921 seven states had censorship boards, with new ones sprouting all the time. In an effort to head off government control of movies, Hollywood adopted "Thirteen Points or Standards," forbidding such things as the on-screen exploitation of sex, white slavery, nakedness, "illicit love and vice," narcotics use, vulgarity, ridicule of authority, miscegenation, profanity, and disrespect for religion. This list evolved into the "Don'ts and Be Carefuls" of 1927, which specifically added sex hygiene and venereal disease, childbirth scenes, and children's sex organs. And all of this was consolidated into the Production Code of 1930, after which 98 percent of all movies released were judged and censored.

But there was still that 2 percent of movies made outside the Hollywood system. They not only defied the Production Code, but used it as a sort of manual for subjects that *could* be exploited. There was a boom in exploitation films dealing with crime, white slavery, and drug addiction—not to mention nudist-camp movies. Mainstream Hollywood despised these films, mainly because they feared they would lead to more censorship, but in their efforts to run the exploitation producers out of business they had to argue against what were always presented as *educational* films. Remarkably, the Production Code Administration eventually issued policy statements saying that the purpose of motion pictures should be pure entertainment, and that education has no place in theaters!

The carnies on the exploitation circuit—guys with flashy names like S.S. "Steamship" Millard and Howard "Pappy" Golden—eventually banded into a sort of informal trade association. Calling themselves the Forty Thieves, they essentially became a vertically integrated outlaw studio, using something called the "states rights" system.

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In the 1890s, licensing for the Kinetoscope and Vitascope had resulted in the United States being carved up into 32 exhibition territories, and this system of sub-distribution lasted well into the '80s. Hence a producer could sell his film territory by territory, allowing the local "thief" to market it any way he knew how. He could re-edit the film, shoot additional scenes, design his own ad campaign, and create any kind of come-on. (Lobby displays of drug paraphernalia were common in the '30s.) One of the most foolproof gimmicks in the business was live birth footage. No one knows exactly where the footage came from—some say medical training films, some say it was paid for overseas—but within the world of the Forty Thieves, it was constantly recycled into movie after movie.

In 1936 Surgeon General Thomas Parran initiated a public information campaign to stamp out venereal disease, making Hollywood look more and more silly as it tried to ban the films. The studios were especially incensed in 1937 when a film called *Sex Madness* showed up as the second feature with Shirley Temple's *Wee Willie Winkie*, but by the following year the government had filed an antitrust suit against them—the famous Paramount case—and they pretty much abandoned their crusade against the exploitation films because it made them look like monopolists.

Vices for Squares

By the time Kroger Babb came along, the formula for a sex hygiene movie was so well established that all he did was incorporate every element of every sex hygiene movie in history into a single film. But in search of even better profits, he changed the rules slightly. Many of the old sex-hygiene films had played in grindhouses or marginal theaters or even bars and restaurants. He wanted to break through to the biggest theaters in the country.

Howard W. Babb had gotten the nickname "Kroger" from the name of the grocery store where he worked as a boy growing up in Lees Creek, Ohio. Born in 1906, he was a sportswriter, a newspaper reporter, an ad manager, and, by his late 20s, publicity manager for the Chakeres-Warners theater chain, where he distinguished himself with publicity stunts such as having a man buried alive in front of a theater. He got the exploitation roadshow bug when he hooked up with an outfit called Cox and Underwood, which was peddling an aging sex hygiene film called *Dust to Dust* that was actually a 1935 film called *High School Girl* with a live-birth reel slapped onto the end. Proving that he was born to be in the business, it's the same plot Babb would use in *Mom and Dad*. (The Forty Thieves frequently quarreled over territories, but they never sued for copyright infringement. Of course, many of them were carnival men, who regarded all cons as ancient and passed down from generation to generation, but they may also have simply *sold* stories the same way they occasionally sold sideshow acts.)

Anxious to go out on his own, Babb got 20 investors to put up the money to make *Mom and Dad*. The script was written by Mildred Horn, who would later become his wife, and who would also write *Man and Woman* and *Boy and Girl*. To direct he hired William "One Shot" Beaudine (so named because he never did a second take), who dated back to the Bowery Boys serials and had made over 200 B movies. He made the whole film in six days in 1944.

Perhaps the most revolutionary thing Babb did was to give his film such a bland and praiseworthy title. Who could object to a movie called *Mom and Dad*? This wasn't a movie about crazed sex maniacs or loose women or pregnant girls or

The biggest irony of all is that the public schools actually did follow Kroger Babb's example and start showing sex-education films. And once the information was available in schools, Babb was out of business.

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the vice rackets. It was a movie about the education of all the moms and dads in the world, and, in fact, he wanted every mom and every dad to see it. His principal weapon, when he came under attack, was the very ordinariness of his story.

End of the Hygiene Era

Babb was not just prepared for the inevitable censorship battles he would face. He egged them on. He stirred up the Catholics at every opportunity, capitalizing on the church's "C" rating (for "condemned") of his film. He wrote fake letters to the editor in advance of the film's arrival in town, hoping there would be controversy. His most successful letter was supposedly written by the anonymous mayor of a small town. The "mayor" explained that he had opposed the showing of *Mom and Dad* in his town, too, but then the 17-year-old daughter of a local church-going couple found herself "in trouble." He saw *Mom and Dad* with a friend, and as a result had the courage to tell her parents about her predicament. They were shocked, but forgave her. The girl gave birth to a healthy boy, which was adopted by a childless couple. The girl then completed high school and is now engaged to a fine young man. The mayor goes on to thank Babb for having the courage "to tell young people what their parents didn't." And the letter ends: "P.S. That girl was my daughter."

Babb's company, Hygienic Productions, sent out an advance man to place letters like this, buy advertising, do mailings, and hold screenings for town fathers and religious leaders. (If the town's leaders liked the film, a "soft" campaign would be used. If they didn't like it, a "hard" campaign, advertising it as "the movie self-styled moralists don't want you to see," would be used. Both campaigns worked.) The advance man would be followed a week later by a crew of four—including "Elliot Forbes" and two "nurses"—to actually manage the film during its run. The crews would stay on the road for 20 weeks at a time. Babb even had one all-black crew for black theaters, with Olympic champion Jesse Owens substituting for Elliot Forbes.

As the *Mom and Dad* exploitation scheme evolved over time, it attracted imitators. By 1950 there were so many sex-hygiene roadshows that they were starting to get in each other's way, and after a town was "scorched" by a promotional campaign, it would be spoiled for any film arriving later. So four of the films—*Mom and Dad*, *Street Corner*, *Because of Eve*, and *The Story of Bob and Sally*—banded together to form Modern Film Distributors, carving out territories and agreeing not to steal markets.

But the genre's days were numbered. The irony of the sex-hygiene explosion is that it depicted a world that didn't exist. The communities in the films had more in common with turn-of-the-century towns than with anything more modern. Millions of young men had already been exposed to venereal disease films during World War II, and millions of women had been touched by out-of-wedlock births, abortions, or abandonment. Perhaps the films succeeded because they gave a comforting message to panicked moms and dads, promising that, with just a little more education, these things could be eradicated. But many of the problems already *were* being eradicated, first by penicillin, which had made new syphilis cases virtually unheard of by the time *Mom and Dad* came out, and then by more sophisticated forms of birth control that gave young girls more control of their sex lives.

The biggest irony of all is that the public schools actually *did* follow Kroger Babb's example and start showing sex-education films not unlike *The Facts of Life: An Explanation of Sex Cycles*. And once the information was available in schools, Babb was out of business.

The immediate cause of Babb's declining box office, though, was the burlesque film, which showed up in the early '50s. Crudely made movies filmed in aging burlesque halls, featuring strippers and comedians doing what they'd been doing for decades, these offered titillation and a hint of nudity without any of the scarifying disease subtext. By the time the second wave of nudist films came along, in 1959, it was all over for sex hygiene.

Kroger Babb died January 28, 1980, in Palm Springs, California, at the age of 73. And now, friends, you've seen the entire production. If you have been shocked and educated, please show the management your appreciation. By your applause. ▮

Joe Bob Briggs is a columnist for UPI and the author of Profoundly Disturbing: The Shocking Movies that Changed Cinema (Universe), from which this article is adapted.

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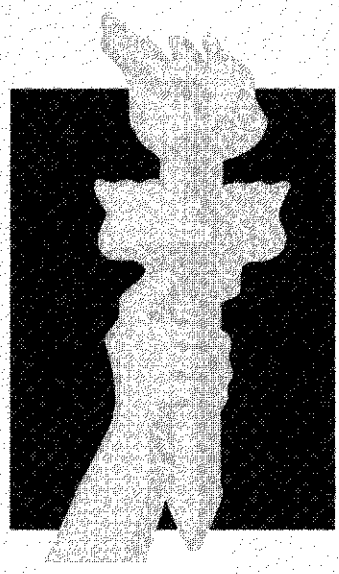

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THE SPAM WARS

How should the Internet deal with junk mail?

Wendy M. Grossman

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JUNK E-MAIL IS like seasickness: If you don't get it, you don't really understand how bad it is. In 1997, when I proposed my first article on spam, the English editor I approached insisted it was an "American problem." One of his colleagues and I convinced him to take it seriously by ganging up on him: For a week we both sent him a copy of every piece of junk we received.

We couldn't do that now. Heavy Internet users can get hundreds of these messages every day. America Online reported in March that the company filters an average of 22 junk e-mail messages a day per account—up to 780 million per day. Brightmail, which supplies spam-blocking services and products to Internet service providers (ISPs) and enterprises, counted 1.9 million spam campaigns in November 2001, 7 million in April 2003. By June 2003, the company says, spam was 48 percent of Internet e-mail traffic, up from 8 percent in January 2001. Spam volume is likely to grow further: The longer people are on the Net, the more spam they tend to receive. Aggregating all of my addresses, some of which get no junk and some of which get nothing else, 56 percent of my incoming e-mail is already spam.

Originally, the rage against spammers had more to do with the sense that a private space previously open only to friends and relatives had been invaded. Now the issue is that e-mail is becoming unusable. Even with postal mail, volume matters. If you get 10 pieces of junk postal mail a day, you put a wastebasket next to the front door and trash the unwanted mail on arrival. If you get 200 pieces, finding your bills and personal letters becomes a time-consuming chore. Your postal address has become virtually unusable.

This is the situation many e-mail users are now in. With dozens, if not hundreds, of messages a day, "just press the delete key" is too time-consuming. Spam now has far more in common with viruses and other malicious attacks than it does with any other Net phenomenon. As Brad Templeton, director of the Electronic Frontier Foundation, has said, "It sits at the intersection of three important rights—free speech, private property, and privacy." One of the most astonishing phenomena he says, is the rage spam provokes, turning libertarians into regulators, advocates of distributed networking into supporters of centralized control, and ardent defenders of the right to free, open e-mail systems and anonymity into people who demand that every e-mail sender be forced to identify himself and pay for the privilege.

Why Spam?

The term *spam* did not originate with junk e-mail. Hormel's ham-based meat product (and a memorable Monty Python skit) aside, Templeton's and others' research suggests its use originated in the game-playing sites known as MUDs (for "multi-user dungeons"), where it applied to several different types of abusive behavior. One of these was floods of repetitive messages, so the term moved on to cover mass posting to the worldwide collection of electronic bulletin boards known as Usenet. Junk e-mail, when it first surfaced, was technically known as unsolicited bulk e-mail, or UBE. Now everyone calls that spam, too, and Hormel is unhappy but resigned.

It makes more sense to define spam in terms of behavior than in terms of content. Bulk-sending millions of identical, unwanted messages can feel just as antisocial if the purpose is to promote a charity (say, the Royal Society for the Prevention of Cruelty to Animals) as it is if the aim is to promote a seedy financial scam (Nigeria must secretly be a very rich country). So the key defining characteristics are "bulk" and "unsolicited." Some spam relates to activities that are already illegal—bilking people out of their money, selling Viagra without a prescription—but the problem of spam is distinct from the question of prosecuting people for those activities.

The chief reason people send spam is that it's incredibly cheap to do so. The response rates are tiny compared to those seen in other types of direct marketing, but there are no printing costs, minimal telecommunications costs, almost no labor costs, and no publisher reviewing the content of your ad. It is, to be sure, socially unacceptable behavior. ISPs that let people send spam through their servers may find themselves blacklisted and their customers' e-mail blocked by other ISPs, and companies who send it themselves or who hire third parties to do it for them may find themselves boycotted.

One of the key objections to banning spam is that it amounts to censorship: No one, the argument goes,

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should have the right to interfere with a person's private e-mail or decide who can or cannot send e-mail or what it may contain. What is often forgotten is that spam itself can be a form of censorship. Many e-mail services have limits on the amount of e-mail that can be stored in a user's inbox at one time. Fill up that space with an unexpected load of junk, and wanted e-mail gets bounced.

Similarly, consider the advice that's often given to people to help avoid getting on the spammers' lists: Hide your e-mail address. The advice makes some sense. In March the Center for Democracy and Technology released the results of a six-month study on how spammers get people's addresses; the most popular method was to harvest them from Usenet or the Web. But hiding addresses has many undesirable social consequences. If there's no visible e-mail address, you can't tell someone there's an error on his Web site or ask for more information. Businesses have to choose between making staff less accessible and making e-mail less productive.

Originally, the rage against spammers had to do with the sense that a private space open only to friends and relatives had been invaded. Now the issue is that e-mail is becoming unusable.

On the brighter side, the study also found that replacing part of your e-mail address with human-readable or HTML equivalents—typing out the word "at" in the place of the @ sign, for example—could keep it out of spammers' hands. (The automated programs, called bots, that they use to harvest addresses don't recognize such substitutions.) But spammers are beginning to adopt much more invasive techniques to get their messages through. So-called dictionary attacks send identical messages to endless combinations of letters at a single domain, hoping some will get through to valid users. My skeptic.demon.co.uk domain, which I've had since 1993, gets a lot of these—hundreds of identical messages over a single weekend. In April the British ISP Blueyonder, which supplies broadband cable access to tens of thousands of subscribers, suffered a dictionary attack of such ferocity that it was unable to deliver e-mail to its paying customers for two days. That's not free speech—it's a denial-of-service attack.

The next trend is for spammers to use a type of virus called a Trojan to get ordinary people's computers to send their mail for them. In the past, this approach has been used to mount distributed denial-of-service attacks on everything from commercial Web sites to hobbyist Internet Relay Chat networks. The computer's actual owner may not even know it's infected; some Web pages are designed to infect unwary visitors.

A couple of these e-mail Trojans already exist; they're known as Jeem and Proxy-Guzu. Both open up the infected computer for use as a "spambot," that is, a machine churning out spam like a robot. That leaves the innocent owner to face the consequences, which may include being blacklisted so that ISPs block that person's legitimate outbound correspondence. To combat this type of attack, users need not only to protect their machines with anti-virus software but to install firewalls to protect their Internet connections. Learning to configure a firewall isn't easy if you are not technically literate, but these devices will become increasingly necessary. Indeed, one downside to the rollout of broadband is that the computers with fast connections that are always online can be used to mount far more destructive attacks than their dial-up forebears.

What Is to Be Done?

Most solutions to spam fall into three classes: technical, economic, and legal. All three have major drawbacks, and even without those none would provide a total solution.

The technical solutions are probably the most familiar because they're the things you can do for yourself. Primarily, these solutions involve filtering the junk out of the stream of e-mail. There are several places along the path from sender to recipient where filtering can be carried out: at the sending ISP, at the receiving ISP, and through the recipient's own e-mail software. Early in the Internet's history, any mail server was available to send e-mail on behalf of any user: You just specified the machine in your e-mail software, and the server relayed the mail for you. When junk e-mail became a problem, these relays were one of the first things to go. Running an open relay, once seen as a social contribution, became socially irresponsible. The cost was that closing those relays down made it more difficult for travelers and guests to send e-mail while out of range of their own systems.

A number of ISPs offer filtering services for their customers using a third-party service like Brightmail or SpamAssassin, and these vary from discarding the junk on your behalf to marking suspected junk in such a way that you

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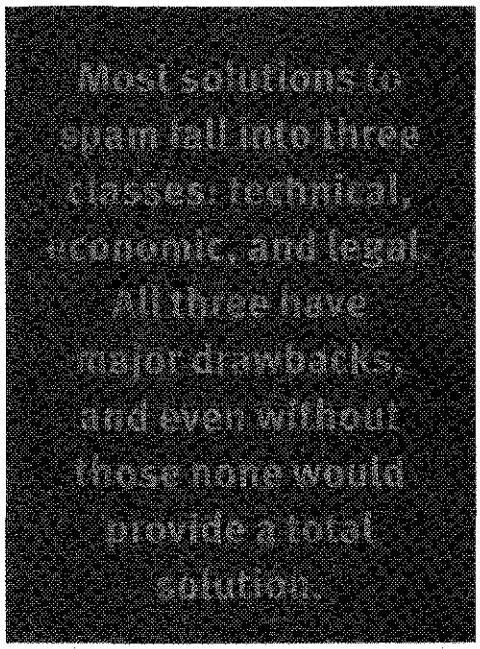
can set your e-mail software to filter it into a separate location. The advantage to the first scheme is that you never see the junk; the advantage to the second is that you can see what's being discarded, and if a legitimate message is incorrectly marked you have a way of retrieving it.

San Francisco's conferencing system the WELL employs the second approach; it uses SpamAssassin, which marks the junk for filtering. SpamAssassin assigns a score to each message that in its estimation indicates the likelihood that the message is spam. A Web interface provided by the WELL lets users set the threshold above which the message is marked. At the default settings, the WELL's implementation catches about two-thirds of the junk. It's not enough: WELL accounts tend to attract a lot of spam even if they haven't been used outside the WELL itself.


Most solutions to spam fall into three classes: technical, economic, and legal. All three have major drawbacks, and even without those none would provide a total solution.

At the user level, a number of companies make plug-ins for standard e-mail software, some free, some commercial. These sit between your e-mail software and your ISP, and examine your messages as they arrive, marking or deleting anything they can identify as spam. Internally, they all work slightly differently. Some of these filters check the origins of messages against one or more Realtime Blackhole Lists and eliminate anything that comes from known spam-tolerant ISPs. These blacklists do weed out a lot of junk, but again there's a price, since it's always possible for an innocent domain to get listed by mistake or malice. Of course, the same is true of system administrators who put filters in place; they've been known to block whole countries (including the U.K.).

Collaborative filtering systems, such as Cloudmark and Spamcop.net, collect reports from the first people who get a particular spam and apply them to the entire user base so that everyone gets less. SpamAssassin, which is built into several different e-mail client plug-ins, uses a type of statistical analysis known as Bayesian filtering to help it learn from existing spam to identify unfamiliar spam more accurately, theoretically getting better and better over time.

One significant strand of technical development is challenge-and-response systems such as SpamArrest and iPermitMail. With these, you white-list known correspondents and always accept e-mail from them. Unknown correspondents are sent a challenge that a human being can read and answer but a spambot can't (yet, anyway). When the response is received, the original e-mail is let through to its destination. A complex variant of this approach, developed at AT&T and marketed to corporations as Zoemail, uses unique addresses for each correspondent; at the first hint of spam to an address, the correspondent's address is voided and replaced. One problem with challenge-and-response is that many legitimate correspondents find it hostile and don't bother to respond. Another is that it's disruptive to mailing lists, which rely on automated systems.

As the trend toward virus techniques shows, this is a technological arms race. There is already a company, Habeas, whose mission in life is to sell direct marketers a product to help their messages get past spam filters. So far it's been impossible to get ahead of the spammers for long, but a lot more brainpower is being trained on the problem than in the past; MIT even hosted a technical conference on the subject earlier this year.

Law and Economics

From time to time, someone proposes an economic solution to spam. There are a number of variations, but they all boil down to one idea: You should pay, literally, for all the e-mails you send. This is a popular idea because even a tiny charge that wouldn't cost individual users very much would impose a substantial burden on spammers. At a penny per e-mail, for instance, sending 1 million messages would cost $10,000. At the very least, such a fee would get spammers to clean their lists.

There are several problems with this idea. First and foremost, no ISP in the world is set up to charge this way. It would require an entirely new infrastructure for the industry. In addition, charging for e-mail would kill free services such as Yahoo! and Hotmail in a single stroke and, with greater social costs, make today's many valuable mailing lists economically unfeasible.

If we had micropayments—that is, the technical ability to manage transactions of a penny or even fractions of a

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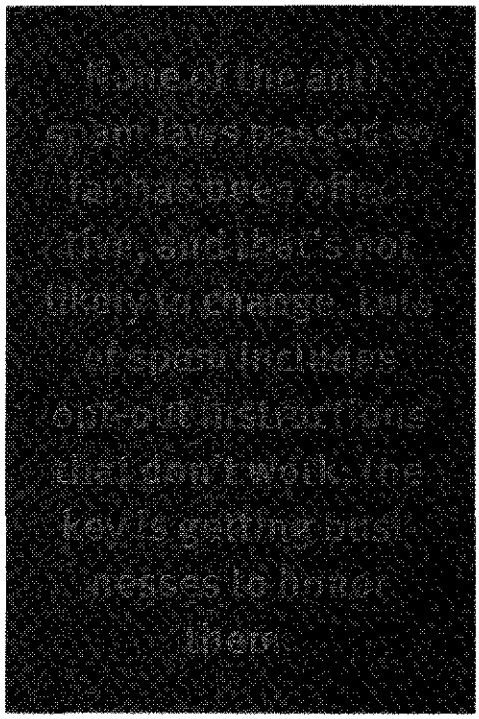
penny—we'd have more flexibility to consider charging schemes with fewer social costs. If, for example, you could require that unknown correspondents attach one cent to an e-mail message, you could void the payment for wanted e-mail, leaving only the spammers to pay it.

But we don't have micropayments and we have little immediate prospect of getting them. Given the costs to the industry of altering its billing infrastructure, the only way a pay-per-message scheme would work is if it were legally mandated—and even then, such a mandate could not be imposed worldwide.



In one of the biggest turnarounds in Net history, many people who formerly opposed the slightest hint of government regulation online are demanding anti-spam legislation. So far, the European Union has made spam illegal, 34 states in the U.S. have banned it, and a number of competing federal bills are in front of Congress, which has considered such legislation before. Various proposed federal laws would require spam to include labels, opt-out instructions, and physical addresses; to ban false headers; to establish a do-not-mail registry; or to ban all unsolicited advertising. Most of the state laws require labeling and opt-out mechanisms.

Not everyone is happy with the U.S. legislation's provisions, however: Steve Linford, head of Europe's Spamhaus Project, says America's opt-out approach will legalize flooding the world with spam. He notes that the world's 200 biggest spammers are all based in Florida. With an opt-out system, anyone would have the right to put you on any list at any time, as long as they remove you if you request it. Linford believes instead that "opt in"—prohibiting companies from adding addresses to lists unless their owners have given their specific consent—is the key to effective anti-spam legislation.

Whatever the merits of Linford's and others' proposals, there's an important point to remember: None of the anti-spam laws passed so far has been effective, and that's not likely to change. Lots of spam includes opt-out instructions that don't work; the key is getting businesses to honor them. A do-not-mail registry would double as a free address registry for spammers based offshore. And requiring a physical address for the sender would, like any mandated identification system, make anonymous speech on the Net illegal. Just about everyone is against spam, but most people are for anonymous speech and its ability to let whistleblowers and other vulnerable people speak their minds. Existing and proposed legislation seriously threatens anonymity, raising legitimate worries about censorship.

The ultimate problem with legislation is that spam is a global problem, not a state or federal one. A patchwork of conflicting laws will do nothing to improve the ease of use of e-mail communications. None of the laws so far passed have diminished the amount of spam flooding the Net. Lawrence Lessig, a Stanford law professor and the author of *Code and Other Laws of Cyberspace*, believes the problem is enforcement, and his proposal is for the government to pay a bounty to any geek who can track down and identify a spammer. He's even offered to quit his job if this scheme is tried for a year and fails.

The Usenet Experience

There's one more approach to the spam problem that we should consider. For the lack of a better term, we might call it the community solution. Alternatively, we could call it the Usenet approach.

Created in 1979, Usenet is in many respects still the town square of the Internet. It played that role even more in 1994, when the Web was still in its "before" stage and two Arizona lawyers, Martha Siegel and Laurence Canter, sent out an infamous spam advertising their services, provoking a furious reaction. The technical method used to post the message meant that you couldn't mark it read in one newsgroup and then not see it in the others, so anyone reading a number of Usenet newsgroups saw the message in every single group.

When the uproar eventually settled, a new hierarchy of ad-friendly newsgroups was created, each beginning with the prefix "biz." But this approach never really worked, because the kind of people who advertise anti-cellulite cream, get-rich-quick schemes, and cable descramblers don't care if they annoy people; they just want maximum eyeballs. In the ad hoc newsgroup news.admin.net-abuse.

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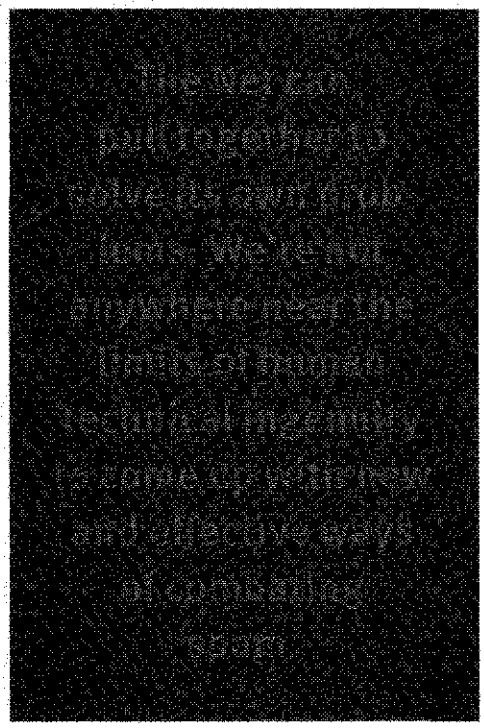
usenet, users and administrators discussed and developed a system that took advantage of the cancellation features built into Usenet's design. These are primarily designed so people can cancel their own messages, but a number of public-spirited people hacked them so third parties could use them to cancel spam.

By now spam has died out in many newsgroups, partly because the system worked and partly because the spammers simply moved to e-mail's wider audience. But the worst spam period cost Usenet many of its most valuable and experienced posters, who retreated to e-mail lists and more private forms of communication and have never come back.



The key to making this system work was community standards that defined abuse in terms of behavior rather than content. *Spam* was defined as substantively identical messages, posted to many newsgroups (using a threshold calculated with a mathematical formula) within a specified length of time. The content of the message was irrelevant. These criteria are still regularly posted and can be revised in response to community discussion. Individual communities (such as newsgroups run by companies or ISPs) can set their own standards. It is easy for any site that believes canceling spam threatens free speech to block the cancels and send an unfiltered newsfeed.

The issues raised by Usenet spam were identical to those raised by junk e-mail today. The community, albeit a much smaller one, managed to create standards supported by consensus, and it came up with a technical scheme subject to peer review. A process like this might be the best solution to the spam e-mail problem. The question is whether it's possible given the much more destructive techniques spammers now use and given the broader nature of the community.

Some working schemes for blocking spam are based on community efforts—in which the first recipients of a particular spam send it in, for example, so it can be blocked for other users in the group. In addition, the Net has a long tradition of creating tools for one's own needs and distributing them widely so they can be used and improved for the benefit of all. As in the Usenet experience, there is very little disagreement on what spam is; that ought to make it easier to develop good tools. I can't create those tools, but I can offer less technical friends a spam-filtered e-mail address on my server, which has SpamAssassin integrated into it (after a month of work to get it running), to help them get away from the choked byways of Hotmail or AOL. If everyone with the technical capability to run a server offered five friends free, filtered e-mail, many consumers would be able to reclaim their inboxes. Some ISPs are beginning to offer—and charge for—such a service.

In the end, the ISPs are crucial to this fight. In the Usenet days, system administrators would sometimes impose the ultimate sanction, the Usenet Death Penalty—a temporary block on all postings from an ISP that had been deaf to all requests to block spam sent from its servers. It usually took only a couple of days for the offending ISP to put better policing in place—the customers would demand it. That's what the Realtime Blackhole Lists do, constructing their databases of known spam sources from pooled reports. But the bigger and richer ISPs, such as Hotmail and AOL, can take the lead by taking legal action, as they are beginning to do. AOL filed five anti-spam lawsuits last spring alone.

The Usenet experience shows that the Net can pull together to solve its own problems. I don't think we're anywhere near the limits of human technical ingenuity to come up with new and more effective ways of combating spam, any more than I think e-mail is the last electronic medium that spammers will use. (There have been a couple of cases of "blogspam," where robot scripts have posted unwanted advertising to people's blogs.) The problem of spam may be a technical arms race, but it's one that's likely to be much easier to win than a legislative arms race.

When I spoke with Danny Meadowes-Klue, head of the U.K.'s Interactive Advertising Bureau, he told me, "Spam is the biggest threat to the Internet." But he didn't mean what you think he meant. He was talking about the destructiveness of so many efforts to stop it. ▮

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Queer Science

A data-bending psychologist confirms what he already knew about gays and transsexuals.

Deirdre McCloskey

The Man Who Would Be Queen: The Science of Gender-Bending and Transsexualism, by J. Michael Bailey, Washington, D.C.: Joseph Henry Press, 256 pages, $24.95

THE PRIMITIVE IDEA about gay men, shared by many Christian fundamentalists and other lovers of freedom, is that gays really want to be girls, or girlish. And the primitive idea about men who want to cross over to be girls is that they're really just gay, or just crazy.

Got it?

Gays are faggots, right? And former men like me who have changed gender, well...they're just extreme faggots, or sex-mad nut cases. Northwestern University psychologist J. Michael Bailey, whose new book has created quite a stir, believes both of these ideas.

"Most gay men are feminine," Bailey declares in *The Man Who Would Be Queen*, "or at least they are feminine in certain ways." The professor's gaydar can spot those Certain Ways from across the street—on the basis, for example, of the pronunciation a man gives the sound *s*: closer to the front of the mouth, like a woman's. OK, so it turns out Bailey is talking about most gay men...in America...in the late 20th century...or maybe just the ones he was able to find by asking around in Chicago bars. Fortunately, there are other telltale signs of homosexuality, such as a deep interest in clothing and show tunes—or, when it comes right down to it, a sexual interest in other men.

And from a long city block away Bailey can spot a *real* gender crosser—those are the pretty ones, the ones whom the professor feels are sexually "attractive." They're just an extreme form of gay men. He can distinguish them from former men who are *not* attractive to him, a type that, contrary to what they will say (they are all liars), experience "sexual arousal at the idea of themselves as women."

It's really quite simple, Bailey says. Weird born men (he doesn't talk about born women in the book) are driven by sex. It's either sex with other men or sex with themselves. Sex, sex, sex. "Identity" has nothing to do with it. You can think of Bailey as an identity politician's worst nightmare.

Bailey is attacking the by-now accepted scientific view that whom you *love* and who you identify yourself to *be* are not the same issue. *Au contraire*, says the professor. It's *not* that formerly male gender crossers have an identity of womanhood, felt or desired, the way you feel or desire that you want to be a lawyer, say, or a resident of Florida. Nor do the more feminine-looking (because earlier changed), pretty ones have such an identity. No "identity" about it. Both are driven by sex, because that's what *men* are ultimately interested in. Bailey calls gender crossers "men" throughout his book. Born a man, too bad. Like certain second-wave feminists, such as Mary Daly or Germaine Greer, Bailey is an essentialist. As the guys down at the Veterans of Foreign Wars post have always known, men are men and women are women. Period.

No one is surprised that Bailey's ideas have been seized on by the religious right. John Derbyshire, a homophobe who contributes frequently to *National Review*, wrote a nice piece about the book, drawing the moral: "Male homosexuality, in particular, seems to possess some quality of being intrinsically subversive when let loose in long-established institu-

Man wearing stilettos, ©Photonica

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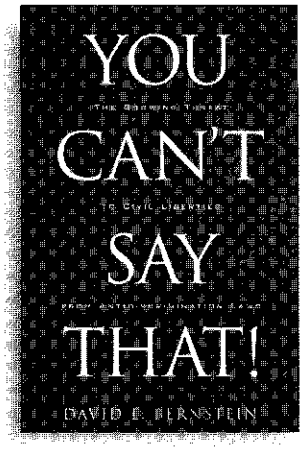

You Can't Say That!

The Growing Threat to Civil Liberties from Antidiscrimination Laws

by David Bernstein

In a misguided attempt to eradicate every vestige of "discrimination" in our society, activists and courts are using antidiscrimination laws to erode civil liberties such as free speech, the free exercise of religion, and freedom of association. Civil rights laws today are being applied in ways that threaten free speech on campus and in the workplace, the right of local community activists to speak out against government policies, the rights of private associations such as the Boy Scouts to determine their membership policies, and even the rights of individuals to choose their roommates. 200 pp./$20.00 cloth
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tions, especially male dominated ones." (Where is Roy Cohn when we need him?) For God's sake, let's not let the queers *loose*.

If you hated the 1960s and its "homosexual agenda" (thank *you*, Justice Scalia), you are going to love Bailey's theory. As the guys down at the VFW hall say, queers are just sissy guys; and a guy who wants to become a woman is either just another homo or just another loony. Bailey, to be fair, doesn't share all the scientific and political ideas of his allies the veterans, the homophobes, and the religious right. He wouldn't attack gays and gender crossers with a lead pipe, and I guess he doesn't think God hates fags. Some of his best buddies, after all, are gay or transgendered. Bailey is a very feeling guy. In fact, he spends a lot of time hanging around the less reputable gay bars in Chicago's Boys' Town. Doing research.

Bailey gets his research ideas from an outfit in Toronto called the Clarke Institute. The institute is one dusty corner of the academic study of gender, and until Bailey came along it wasn't doing very well. In 1985 the head of its clinical sexology program, one Ray Blanchard, a rat psychologist by training, devised a theory of "autogynephilia," a word and notion that ever since then he has been trying to float. According to Blanchard and his few but loyal fans (among them Bailey), unpretty, late-changing, nonhomosexual gender crossers (me, for instance) have internalized a female love object (that is, they are still *men* wanting to have sex, sex, sex with women) and confused it with themselves. They aren't "really" women. Bailey summarizes it flatly in the book: "Autogynephilia can be considered a disorder."

The word *disorder* is meant to evoke the *Diagnostic and Statistical Manual of Mental Disorders*, the so-called *DSM-IV*. (The Roman numerals are for the edition, like the Super Bowl.) Bailey and his conservative friends hope to get "autogynephilia" into the next edition of the *DSM* (Roman numeral *V*), in order, I suppose, to prevent free people from doing what they harmlessly please. *Great* idea.

Until the 1973 edition of the *DSM*, homosexuality was such a "disorder," justifying electroshock therapy for queer kids in the 1950s and early '60s; it did not entirely recover from its illness until the 1986 edition. We let homosexuals get away with it after 1986, say the conservatives; lest the gender crossers get away with it, too...well, it's a little unclear *what* Bailey would recommend. He's been running away from his book in the months since its publication in April.

But there's no doubt what Bailey's conservative friends want, and will try to get through the book and its sponsorship by the National Academy of Sciences (on that last point hangs a tale; stay tuned). The conservatives want to return to the 1950s in a 2003 form, with summer camps to butch up the sissy boys and feminize the tomboys, with psychiatrists closing down gender reassignment programs (thus the sad case of Johns Hopkins), with gays back in the closet. Bailey is part of the conservative revolt against the "permissive" society—that is, a society in which you can do what you want if it doesn't harm someone else. Sexual conservatives are not libertarians.

At the time, 20 years ago, that the Clarke Institute up in Toronto really got going on Preventing Them, no

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one paid much attention, except the unfortunate Canadian gender-variant kids and adults who fell into its clutches and were subjected to "cures" by any "therapy" that came to mind. Bailey has some long, sweet passages warmly praising the institute's "therapists." He notes, without suggesting he would disagree, that many people, including his students (he asked them: it was part of his scientific study), declare "autogynephiles" inappropriate for gender change. Stop 'em.

The Clarke Institute cannot *bear* the thought of adult gender changers like me succeeding as just...women: Episcopalian church ladies and female college profs. So if you come to the institute old, they get you to believe you are an "autogynephile," and can't really hope to be anything else. The institute makes you go out full-time in drag *with no hormones or facial surgery to make it possible to pass* for an entire year. This would be suicidal in many American towns; I guess Canada is less violent. If you show up with nail polish or, worse, evidence of having started hormones on your own, you are punished, and your clock is turned back to zero, Bailey reports. The result is "men" (Bailey's term, remember) who can stand to run around as guys in gowns forever, thus assuring that Blanchard's theory will hold, at least for this "sample." Men are men; it's hopeless, guys; you will *never* be women.

The evidence for the institute's notion of "autogynephilia" backing up this psychological violence against its patients is pretty feeble. It's hard anyway to get a reasonable sample of gender crossers. Lynn Conway, a world-famous professor of electrical engineering and computer science emerita at the University of Michigan and member of the National Academy of Engineering, who transitioned in 1968 (she was fired by IBM for it but remade her life and became eminent in her field as a woman without revealing her past; it came out a few years ago) reckons on her Web site (lynnconway.com) that about one in every 400 born males will want to change gender. About one in 2,000–40,000 women—already have transitioned. Conway shows that the official numbers—one in 30,000, according to the *DSM*; one in 20,000, according to Bailey's book, although he's rapidly backing away from that estimate—imply absurdly low figures for completed gender crossers: in the U.S. about 800, which is a factor of 40 or so below the actual number. Where are they? You probably know one. Many just disappear into their target gender. Many others are fearful, not without reason, of being studied by "scientists" like Blanchard or Bailey.

> Isn't the "disorder" of gender-crossing located in the society that worries about such non-issues rather than in the right of the free person exercising her rights?

Blanchard's hypothesis suffered the fate of science that can't be replicated, and that's based on narrow data tilted to make things come out right for the scientist proposing it. There's no shame in that. Most scientists are tendentious arguers for their pet theories, the check and balance being that other scientists resist. Almost everyone in the scientific study of sex and gender has checked and balanced and resisted the Clarke Institute's theory. It has proven to be wrong and has been laid aside by the mainstream of gender researchers. But contrary to the high school version of scientific method, old scientific theories never die; they just fade away.

Defending himself from the tsunami of criticism the book has generated, Bailey writes on his Web site (psych.nwu.edu/psych/people/faculty/bailey/controversy.htm): "At one time, gender patients with clear signs of autogynephilia were deemed inappropriate for [surgery]. They were denigrated as 'not true transsexuals.' These practices were harmful, hurtful, and wrong. Autogynephilic transsexuals are true transsexuals, suffering every bit as much from gender dysphoria [which means 'gender discomfort'; Real Scientists Do Greek] as homosexual transsexuals [the second of the two possible types in Bailey's universe] do. Autogynephilic transsexuals tend to be about as happy as homosexual male-to-female transsexuals with sex reassignment surgery. And both groups are much happier, on average, after transitioning."

Bailey doesn't say anything like this in the book. That omission is quite important for understanding why the book has frightened so many queers and delighted so many conservatives. Bailey does *not* say in the book that it's OK for people in a free society to express their gender identity—butch lesbian, say, or cowboy straight or womanly gender crosser. Instead he sidles up to the programs on the religious and psychiatric right that try (unsuccessfully, as he admits) to "cure" gender crossers and homosexuals.

Contrary to Bailey and his friends, the real science says that formerly

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heterosexual gender crossers are not sex-crazed lovers of self. Formerly homosexual gender crossers are not "just" homo*sex*ual men (with the emphasis on *just* and on *sex*: Bailey never refers to gay people as *loving*; love, it seems, is something he's a little weak on; in Bailey's mind it's all about sex, sex, sex). And regular, four-square, iron-pumping Ulysses–King David–Socrates–Rock Hudson–type homosexuals are not, as Bailey wants us to believe, "just" feminine guys. Real gender science, to repeat, says that who you *are*—being "feminine" or wanting to be—is not the same thing as whom you *love*. That's not too hard to understand. I love my dog. But that doesn't mean I want to become a dog.

Nonetheless, against most of the evidence and all the common sense, Bailey continues to maintain the rejected theory that one's identity and one's affectional preference line up the way the VFW guys think they should. Again, no special shame attaches. In the end, after all, much of science will turn out to be wrong, from Aristotle and Newton down to the single-strand hypothesis for DNA. If this weren't so, science would have advanced at lightning speed, and we'd already know everything.

Bailey writes charmingly and has the knack of suggesting that he's reporting from the front lines of Science, inserting a lot of personal "guesses" and "hunches" into the prose as though he were an actual Scientist with a lifetime of serious consideration of alternative hypotheses and tons of data behind him. You can imagine Bailey with a pipe and a lab coat advertising laxatives on TV. But in his case we have what the physicist Richard Feynman used to call "cargo-cult science": The book has the *style* of an informal talk with a Serious Scientist who is getting down and personal with you about his science. The stuff *looks* a little like science, the way the "airports" the highlanders of New Guinea constructed out of coconuts and palm fronds to get the American cargo planes to come back after the war *looked* a little like airports. It's even in the title of his book, that Science. But sadly, it's scientific nonsense.

Harsh words? Judge for yourself. Throughout the book, Bailey makes a big deal of his academic position. (His bosses at Northwestern seem to agree: they recently promoted this alleged violator of their own human-subjects procedures to chairman of the Psychology Department.) All the way through the book he calls his findings "science." His main evidence for the femininity of gay men (aside from that study of how queers say the two *s* sounds in *science*) is a Scientific study of personal ads in some gay newspapers. His other piece of "research"—and the only research this Researcher did on gender crossers—consisted of, first, long talks with one gender crosser in Chicago (named "Cher" in the book; I know her well; she's one of the people who have filed legal complaints against Bailey) and, second, short talks with a *half dozen* young Hispanic gender-crossing prostitutes whom Cher brought to Bailey under the impression he wanted to help them. It's a sample of convenience of, say, size seven. (One was Cher herself, the only case of alleged "autogynephilia" Bailey has studied; the rest were the other type, of the two types allowed.)

The sample was collected by what looks like a violation of federal law. Northwestern's Office for Human Research is investigating. No one was offered a human subjects form to sign, no one was told she was under study, and no one was told her story would appear in a book. The subjects were enticed by the offer of a document crucial for their gender change. (Gender surgeons require a letter from a clinical psychologist or psychiatrist saying that the patient is in her right mind, if not his right body.) Their lives were used in the book with brutal disregard for their feelings to titillate readers. Bailey even "studies" one of their weddings, to which he was invited as a guest.

That's the legal problem Bailey and his university now face, but the scientific problem they face is worse. The entire sample, representing the world's hundreds of thousands of gender crossers, just happens to live in Chicago. Six-sevenths of the sample are first-generation Hispanic Americans, most working as prostitutes and professional drag queens. (Bailey dropped from his sample women who were *not* in sex trades.) That's not a very good sample. If most of Bailey's data come from young Hispanic sex workers in Chicago, then he has not put his theory (namely, that gender crossing is about sex, sex, sex, because gender crossers are men, men, men) in much jeopardy.

Randi Ettner, a clinical psychologist who has written the best book on gender problems, *Gender Loving Care*, and who has seen hundreds of every conceivable kind, has an office in Evanston, a few blocks from Bailey's. Not interested, says Bailey in effect: Leave me alone with my two-category VFW theory and my half-dozen pretty girls off the streets of Boys' Town. He didn't want to talk with gender crossers like, say, me—exhibiting no "auto-

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gynephilia," working not as a prostitute but as a professor of economics (now, now: no jokes).

On his Web site (*after* the book was published) Bailey defends himself by saying that he wasn't *really* doing original research himself; he was relying on Blanchard. But you know what the scientific community thinks of Blanchard. So that doesn't quite work. And the book keeps emphasizing its Highly Scientific character. Bailey writes, for example, of "recruiting [in gay bars] *research subjects* for our *study* of drag queens and transsexuals" and about his own "recent *research*"; and so on throughout (emphasis added). Those who glory in doing Scientific Research had better have something to back it up. Bailey doesn't. At a July meeting in Bloomington, Indiana, of the International Academy of Sex Research, John Bancroft, director of the Kinsey Institute and one of the most respected sexologists in the world, stood up after Bailey's abbreviated talk and said sternly, "Michael, I would caution you against calling this book 'science' because I have read it, and I can tell you it is *not* science." Then he sat down, to stunned silence: The sexologists had finally gotten up the courage to resist Bailey, Blanchard, and the Clarke Institute.

Northwestern University seems to have a problem of this sort every 10 years or so. A member of their engineering school mightily embarrassed the place by becoming famous as a Holocaust denier. Now Northwestern has a homophobic, transphobic chair of its psychology department who allegedly violates human-subject review procedures to get dirt on the communities he wants to repathologize. Go Wildcats.

The book has outraged gays, lipstick lesbians, butch dykes, heterosexual cross-dressers. And formerly heterosexual crossers of gender like me: normal boyhood, repressed desires at age 11 in the repressed 1950s, 30 years happily married, two grown children (not talking to me yet: thank *you,* Professor Bailey and your pathologizing friends), successful, regular guy who decided to change at age 53, did so, and is now even more happy. In particular the book has annoyed academic gender crossers, of whom there are a surprisingly large number.

To name four: Joan Roughgarden, a famous professor of population biology at Stanford, who transitioned five years ago at age 52; Barbara Nash, a famous professor of geology at the University of Utah, who transitioned in 2001 at age 57; that famous Lynn Conway; and yours truly. The academics don't like Bailey's use of the mantle of Science to push a conservative, unscientific agenda worthy of *National Review,* or of *The National Enquirer.* They are up in arms; or at least up on the Web (at lynnconway.com). In July, Conway and I filed a formal complaint with Northwestern's vice president of research regarding Bailey's research conduct. That too is posted on the Web.

So is this statement by Ben Barres, a female-to-male gender crosser and professor of neurobiology and developmental biology at Stanford (yeah: the more eminent the university, the more relaxed it is about gender change: Roughgarden and Barres are *not* the only two at Stanford; and guess which provost helped them? Hint: she's not provost any more, and her first name is Condoleezza): "Bailey truly doesn't get the gender identity dissonance that transsexuals experience—it really is hard for people to understand what they haven't experienced themselves. I have talked with many MtFs [male-to-female gender crossers] who have contacted me, and have listened to the feelings they have gone through their whole lives, and it is always an exact mirror of what I have experienced as an FtM. These MtFs have no reason to lie to me, as I have no power over what treatment they receive. For Bailey to say that most MtFs are

Harry Potter and the Order of the Phoenix (cover detail)

Eichmann in Hogwarts

Harry Potter and the banality of evil

Nicholas Gillespie

When we first met the young wizard-in-training Harry Potter some six years ago, he had spent a decade in the care of his overbearing "muggle" (non-magical) aunt and uncle after surviving the murder of his parents by the evil Voldemort. At the close of the fourth book in the series, *Harry Potter and the Goblet of Fire,* Lord Voldemort has returned to full power.

The Harry we encounter in the recently released fifth installment, *Harry Potter and the Order of the Phoenix* (Scholastic, 2003), has picked up some internal scars to match the lightning bolt–shaped mark on his forehead. Now 15, he is every bit the troubled teen, picking fights and flying off the handle at his closest friends. He is also schooled in some very important and lasting lessons about the nature of power and bureaucracy.

Harry Potter's appeal, at least initially, had its roots in an escapist fantasy that all children have entertained at some point: Your parents are not your parents; you have strange and wonderful powers; you are »

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primarily doing the gender change because of a fetish [that is, sex, sex, sex] rather than a true gender-identity issue just doesn't ring true to me, or to many other people that have worked in clinics taking care of many MtFs."

Bailey revives the long-dead notion—as scientifically dead as the psychoanalysis that spawned it—that gender crossers are repressed homosexuals. The revival is dumb on two counts. First, it's scientifically unpersuasive. Psychoanalysis ends up calling *nearly everyone* a repressed homosexual. Second, it's politically irresponsible. You might as well revive the long-dead notion that Jews are genetically programmed for making money.

Bailey adopts throughout an air of smirking knowingness, especially about gays. On the first page of the book he announces that his gaydar is infallible, that he can Spot 'Em: "Knowing [a man's] occupation and observing him briefly and superficially [is] sufficient, together, for me to guess confidently" that he was a sissy as a boy, is now gay-identified, and may well soon get gender reassignment surgery. He predicts of Danny, an actual 8-year-old living in a northern suburb of Chicago, that when he's grown up "on any October Sundays, he is more likely to be singing show tunes somewhere than to be cheering for the Chicago Bears."

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Hey, that's really great, Professor, that you are able to "scientifically predict" little Danny's future, and in *such* an amusing way!

But consider. What exactly would be the *point* of "knowing" that Danny will become gay? Bailey never says. True, if one could know that Child X would otherwise become an ax murderer, or Saddam Hussein, intervention might be in order. But gay? Or, for that matter, a gender crosser? What exactly is the problem here? Isn't the "disorder" located in the society that worries about such nonissues rather than in the free person exercising her rights?

It would be like "knowing" that some 8-year-old Janey will grow up to be optimistic, or "knowing" that some 8-year-old Johnny will grow up to be interested in sports. Wonderful: What *great* Science. You are *s-o-o-o* smart.

Now: Why would you want to know such a thing? To prevent little Janey from being unreasonably optimistic, through therapy? To throttle back little Johnny's excessive interest in sports, through operant conditioning? Now answer the question when you do *not* have an intervention that works, like for being gay or being a gender crosser.

Let's assume Bailey got everything right about his informants. (Cher tells me he got much of it wrong, but he wouldn't listen when she told him so.) Suppose even (again contrary to fact, but let's be easy) that the Clarke Institute's failed theory is correct, 100 percent.

So? Why *shouldn't* a free person be able to express her notions of gender? (Gender expression—your right as a woman to wear pants, say—is the next frontier of this evolving revolution: see www.gpac.org, the Web site for GenderPAC, devoted to freedom whatever your chromosomes or genitals.) And if changing one's genitals is considered a violation of God's law, why aren't nose jobs or cancer cures also abominations?

Ask the libertarian question: *Why not?* No fair just declaring without sensible argument that it's contrary to natural law. Or saying peevishly, "I can't *understand* such a desire." Neither can I understand why some people let themselves pay first-year depreciation on automobiles or why other people write books in which they exploit for gain little boys interested in dolls and Hispanic women off the street desperate for a letter to allow gender surgery. But I'm not proposing to put these two disorders into the next *DSM* to prevent people from engaging in such behavior.

Bailey paints himself in the book and defends himself on his Web site as a helper of gender-varying people. Just what the doctor ordered. Get them *help*, for Lord's sake, through compulsory psychiatry backed up by the new *DSM-V*. It's like the old joke about the three most unbelievable sentences: "The check is in the mail"; "Of course I'll respect you in the morning"; and "I'm Mike Bailey, a follower of the Clarke Institute, and I'm here to help you." ▯

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Defending Tolerance

Values, liberty, and democracy

Loren E. Lomasky

Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice, by William Galston, Cambridge: Cambridge University Press, 137 pages, $19

NOW THAT THE last smart bomb has fallen and soaring Predators have returned to their nests, it's time to put Iraq back together again. It will be no triumph for freedom if this President Bush's Gulf War ultimately concludes by replacing one defunct tyrant with some other autocratic strongman. Nearly everyone is agreed that Iraq must now join the family of democracies.

Because this is the Middle East, that's easier said than done. But even if somehow the circle gets squared and ballot boxes replace Ba'ath dungeons, that will not be sufficient to ensure the creation of a humane and civil Iraq. The Shi'ite community comprises some 60 percent of the Iraqi population. If it votes as a bloc, it will be capable of imposing its concept of the good society on all the other groups. The tables would thereby be turned on the formerly dominant Sunni community, with the Kurds, as ever, on the bottom. An Iraq with elections, even scrupulously free and fair elections, could easily place itself in the hands of medieval-minded mullahs and archaic ayatollahs.

Democracy is not a new idea. It achieved its first efflorescence some 2,500 years ago in Greece. Democratic Athens was a scintillating experiment in rule by the *demos*, the people. But things that scintillate are prone to burn out. Under the pressure of an extended military and economic struggle with its great antagonist, Sparta, Athens' democracy imploded. Transient majorities came together in the Assembly to strike vicious blows at political opponents. Scapegoating and treachery abounded. The result was civil strife, defeat by the Spartans, and replacement of the discredited democracy by rule of the so-called Thirty Tyrants. The depressing story is spelled out with unmatched brilliance in Thucydides' *History of the Peloponnesian Wars*. For centuries this was the classic text demonstrating the unworkability of democracy.

What was needed to make rule by the people effective was the addition of mechanisms to restrain those people from overreaching and destructively turning on themselves. However, if the restraining agent was something external to the governed, then the regime would be rule of but not by the people. So the democratic conundrum devolved into the question of how a polity not controlled by another could control itself. Division of powers, as with executive, legislature, and judiciary, was a good first step. It did not, however, directly address the *limits* of power. Is the body politic omnipotent in its ordinances, or is its reach somehow bounded? The answer proffered by John Locke, and by his successors in the liberal tradition, is that the individual is morally prior to the state and that people have rights to life, liberty, and property that must be respected. Majorities enjoy a prerogative to rule because collective decisions must be taken from time to time, but that prerogative is limited by individuals' rights.

Although it may run counter to contemporary demo-enthusiasms to say so, the best thing about democracy is that, of all political structures human beings have devised for themselves, it is the only one that has shown itself able over the long term to sustain societies in which most people enjoy a liberty to live their lives according to their own lights. It is *liberal* democracy, not the pure sovereignty of majorities, that merits plaudits, both here and in the Iraq of the future. But that is precisely why the task of political reconstruction will be so diffi-

>> Eichmann in Hogwarts

famous in another world. In the early books of the series, the Hogwarts School of Witchcraft and Wizardry provided relief from the compulsive conformism of Harry's adoptive muggle family. With the return of Lord Voldemort, however, we see that the wizard world has its own status quo, one that the magical government, in the form of the Ministry of Magic, is reluctant to upset.

Indeed, Cornelius Fudge, the minister of magic, has had the magical media brand Harry an attention-seeking lunatic for his attempts to spread the word about the Dark Lord's return. Harry's chief antagonist for most of the book is not the self-consciously evil Voldemort or his acolytes, the Death Eaters, but the magical establishment, as represented at Hogwarts by the officious Dolores Umbridge.

Umbridge is a Nurse Ratched figure who, like so many government busybodies, is "here to help." Appointed professor of "defense against the dark arts" by ministerial fiat, she soon becomes High Inquisitor at Hogwarts, charged with ensuring that neither Potter nor the powerful Hogwarts headmaster, Albus Dumbledore, upsets the magical world's insistent denial of the ugly truth about Voldemort's return.

Yet as Sirius Black, Harry's wizard godfather, explains at one point, "the world isn't split into good people and Death Eaters." Umbridge and Fudge may be power hungry, but their malevolence is not the raw nihilism of a Voldemort. »

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cult. Citizens will be quick to support governance exercised by their own kind—by majorities that enforce their ideas of proper religiosity, decorum between the sexes, and respect for ancestral custom. They will, however, be loath to permit deviant minorities to wander from widely acknowledged paths of rectitude. Critics will take the institutionalization of tolerance as evidence of a shameful disinclination to distinguish between excellence and mediocrity.

It is not only Islamic fundamentalists who share such sentiments. From politically correct exponents of proper genderspeak to William Bennett's virtuecrats, the urge to police personal behavior remains formidable here in democratic America. Even Locke himself endorsed laws that provide for the "direction of a free and intelligent agent to his proper interest," adding that it "ill deserves the name of confinement which hedges us in only from bogs and precipices." Why, then, should the state deny itself the power to drain bogs and fence off precipices so as to save the unwise and unwary from themselves?

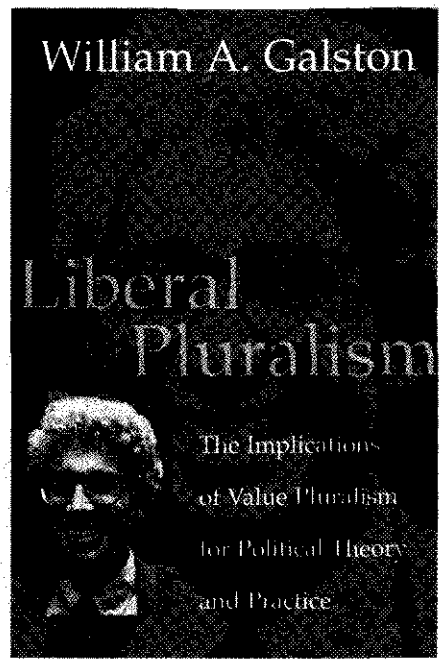
Here is one answer: People have different concepts of the good life, and any attempt to impose one favored view will be contentious. Contention leads to war, and war is the antithesis of civil peace. So better to leave people to their own ways, wayward though they be.

Here is another response: We are fallible beings who do not always judge correctly concerning matters of right and wrong. Therefore we do well to let people go their own ways rather than take the risk of imposing on them what might be mistaken moral concepts.

These are creditable liberal motifs, sound as far as they go. However, they do not go far enough. On both of these lines, toleration is merely second best. If we knew what the good life is, and if we possessed a sufficient preponderance of force to impose it on others, we could legislate away the base and the shabby. Perhaps current democratic technologies are not sufficiently well-tuned to deliver such a happy consummation, but that is more an obstacle to overcome than a constraint carrying independent moral force. We are still looking for a positive case to be made on behalf of liberal toleration.

That case is offered by William Galston in *Liberal Pluralism*. Building on theories enunciated by Isaiah Berlin (and, a century earlier, by John Stuart Mill), Galston argues that there is no such thing as *the* good life. Rather, there are many good modes of human life, and no one of them outranks all the others.

That is not because they are equally good or because goodness is simply in the eye of the beholder.



Liberal Pluralism (cover)

Rather, it is because some, though not all, values are *incommensurable*. *A* is incommensurable with *B* if it is not the case that *A* is better than *B*, *B* is better than *A*, or that *A* and *B* are equally good. Such incommensurability should not be understood as a reflection of our inability to make fine discriminations between divergent ways of life. Rather, there are no comparisons to be made because there is no common metric in terms of which all values can be graded. It is, as your third grade teacher explained, like trying to add apples and oranges. The sum does not compute.

Not only are different modes of activity incommensurable in their goodness, they also cannot be combined in one human life. It may be wonderful to be a bold corporate raider or to lead the detached life of a contemplative monk, but it would be ludicrous to switch between these on alternate Tuesdays. It's not only that one might get confused concerning whether it's time to pray or to prey. The commitments that underlie one way of life undercut the other. Even if one had unlimited time and all necessary skills, one would have to renounce some genuine goods.

But what I cannot incorporate in my own life can be vicariously appreciated in the activities of others. Because values are multiple and incommensurable, a liberal regime committed to supporting pluralism is superior to one wedded only to some particular conception of the good life. Its ends are not superior—incommensurability precludes such a judgment—but it does better by according respect to all the goods that merit it, not only the popular ones.

Galston argues intelligently for the theory of incommensurability and

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its political corollaries. Unlike many contemporary liberals who maintain that individuals should be allowed to pursue whatever ends they wish just so long as they make their choices autonomously, Galston responds, "the promotion of personal autonomy, understood as choice based on critical rationalism, is not among the shared liberal purposes." Traditionalists merely accept rather than critically evaluate what has been handed down to them, but there are values inherent in traditional modes of life that cannot be achieved through critical reflection. Not *better* goods—*different* goods.

Critics will take the institutionalization of tolerance as evidence of a shameful disinclination to distinguish between excellence and mediocrity.

Even among those who locate themselves squarely in the liberal camp, many draw the line with choices that impinge on the upbringing of children: You may devote yourself to whatever gods command your own allegiance, but you may not impose them on uncomprehending, defenseless minors. No one is better positioned, for better or worse, to affect the future well-being of children than their parents. Therefore, it is argued, even the liberal state has a considerable stake in superintending the conditions under which children are raised.

Whether or not parents approve, children must be afforded the capacity to appreciate a wide range of potential ways of life and to freely choose among them. This means, for example, that enclaves from modernity such as Amish communities are suspect insofar as they propagate themselves from one generation to the next. It also indirectly buttresses a case for the public schools as an agency liberating children from the dead hand of their parents' past.

Galston, by contrast, defends parents' entitlement, within very broad limits, to bring up their children as they see fit; he is no proponent of sending the National Guard to liberate little Amish boys and girls. His defense of parents' rights is cogent bordering on eloquent. The discussion is notable in its own right, but all the more so because in between his encampments in ivory towers, Galston served as President Clinton's Deputy Assistant for Domestic Policy. Many of his colleagues in that administration were avid to extend the helping hand of government into family relationships. That Galston bids them halt is significant both theoretically and politically.

Nonetheless, the book retains traces of the dark side of Clintonism. At just the point at which Galston might be expected to observe that parental authority worthy of the name must extend to educational alternatives, he instead opines, "There is no compelling reason to believe that the emphasis I have placed on expressive liberty and the role of parents, if taken as the basis for actual policy, would significantly erode the dominant position the public schools now enjoy." The National Education Association's cheerleaders will applaud, but the rest of us should cringe. Nor am I reassured by Galston's rather cavalier dismissal of economic liberty's importance for individual self-determination.

Nonetheless, the planners of a postwar Iraq —not to mention postwar America—could do a lot worse than to consult this accessible and engaging essay. ▯

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» Dolorous in Hogwarts

Umbridge is particularly insufferable precisely because her transformation of Hogwarts into an increasingly regulated panopticon is motivated by an apparently sincere self-righteousness.

A central theme of *The Order of the Phoenix*, then, is what Hannah Arendt called "the banality of evil." The bureaucrats are doing good by their own lights, following orders. Former Hogwarts prefect Percy Weasley is a case in point. In the past, Percy served as comic relief, a stuffed shirt whose obsequiousness toward authority figures was matched only by his imperiousness toward younger students. Now Percy is a Hogwarts graduate and assistant to Minister Fudge, and his blind affection for his masters leads him to join the smear campaign against Harry. The transition from buffoonish to sinister is seamless.

That is not to say that ministry officials, Umbridge in particular, lack a sadistic streak. She sentences Harry to detentions in which he must write "I will not tell lies" over and over again while the words are magically carved into the flesh of his arm, evoking Kafka's story "In the Penal Colony."

Umbridge's comeuppance, when it finally arrives, drives home a different truth about the nature of authority: Power over people ultimately relies on their own compliance. When the students and teachers, who had let Umbridge have the run of the school out of fear, finally »

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The Gipper and the Hedgehog

How an "amiable dunce" outsmarted the world

Glenn Garvin

Reagan's War: The Epic Story of His Forty Year Struggle and Final Triumph Over Communism, by Peter Schweizer, New York: Doubleday, 339 pages, $26

THE INNATE AND possibly genetically mandated stupidity of Republicans has long been treated as established scientific fact; it is so utterly beyond dispute that even a ninth-grade dropout like Cher, who once thought Mount Rushmore's heads were natural formations, can publicly declare George W. Bush "lazy and stupid" without fear of embarrassment. But however great a moron the current president is said to be, his dimwittedness pales beside that of Ronald Reagan. Even hardened journalists and academics, long resigned to their toil among the ignorant, have recoiled before the feeble-mindedness of Reagan.

Haynes Johnson, for one, was so struck by Reagan's vegetable-level intelligence that he put it in the title of his history of the Reagan presidency, *Sleepwalking Through History*. Frances Fitzgerald took the title for her account of Reagan's Star Wars program, *Way Out There in the Blue*, from a crack in Arthur Miller's *Death of a Salesman* about the simpleton Willie Loman: "way out there in the blue, riding on a smile and a shoeshine." Former JFK/LBJ whiz kid Clark Clifford called Reagan an "amiable dunce," and historian Edmund Morris found Reagan's life so vapid that he actually made up characters and anecdotes in hopes of producing a more compelling biography.

Yet if there was an eggplant where Reagan's brain should have been, how did he manage to win the Cold War? How did he bring a victorious end to an ideological and military deadlock that defied Kennedy's best and brightest, Johnson's political cunning, Carter's brilliance (certified not only by his nuclear physics degree but also by an Evelyn Wood speed reading diploma), Eisenhower's strategic prowess, and even Nixon's widely acknowledged (if not always admired) skills as a back-alley fighter?

The general response among America's chattering classes has been that Reagan was the political equivalent of the millionth customer at Bloomingdale's. He was the guy lucky enough to walk through the door as the prize was handed out, as if everything was pre-ordained and would have happened the same way no matter whether the White House had been occupied by Michael Dukakis or George McGovern or Susan Sarandon. An alternative theory posits that Gorbachev was some sort of Jeffersonian kamikaze pilot, taking his whole nation over the cliff for the thrill of being proclaimed *Time*'s Man of the Decade.

Oddly, that's not the way the Russians see it. Says Genrikh Grofimenko, a former adviser to Leonid Brezhnev, "Ninety-nine percent of the Russian people believe that you won the Cold War because of your president's insistence on SDI," the Strategic Defense Initiative, as Star Wars was formally called. Grofimenko marvels that the Nobel Peace Prize went to "the greatest flimflam man of all time," Mikhail Gorbachev, while Western intellectuals ignore Reagan—who, he says, "was tackling world gangsters of the first order of magnitude."

So how did Reagan do it? The answer, suggests Hoover Institution researcher and Cold War historian Peter Schweizer in his new book, *Reagan's War*, can probably be found in Isaiah Berlin's essay "The Fox and the Hedgehog." Berlin, musing on an obscure line penned by the Greek poet Archilochus, argued it was a modern typology. Archilochus wrote that the fox knows many things, while the hedgehog knows one *big* thing. Berlin characterized foxes as running hither and yon, taking actions that are unconnected by any guiding principle and that may even be at odds with one another. "Hedgehogs, on the other hand," writes Schweizer, "relate everything to a single central vision."

Schweizer is not so unkind as to say so, but when it came to foreign policy, Jimmy Carter was the archetypal fox. Pulling the rug out from under right-wing regimes in Nicaragua and Guatemala, then arming theocratic fascist guerrillas in Afghanistan, he could never translate his supposedly superior intellect into coherent policy.

Unlike Carter, Reagan was never invited to contribute to foreign policy journals. But he knew one big thing: that freedom is the defining value of mankind, and communism was its antithesis. It was that, and not the arcana of missile throw weights or U.N. treaties, that defined Reagan's policy toward the Soviet Union. "Details that animate so many in the world of politics, academe, and journalism did not interest him so much as the 'metaphysics' of the Cold War," observes Schweizer. "He was, in short, a hedgehog living in a world populated with foxes."

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Reagan's War is not a biography, not a history of the Reagan administration, not even an examination of its foreign policy. It is, rather, a history of Reagan's one big thing: his lifelong confrontation with communism, which began on Hollywood's backlots and ended in a post-presidential visit to Germany, where he personally knocked a brick out of the defunct Berlin Wall. Working with White House documents (some declassified, some still secret), Reagan's own correspondence, and a wealth of material released from Soviet bloc archives, Schweizer argues persuasively that

Reagan knew one big thing: that freedom is the defining value of mankind, and communism was its antithesis.

the collapse of the Soviet Union was no accident; it was the result of a strategy that Reagan had been advocating for nearly 20 years.

As early as 1963, Reagan argued that the arms race should be not reined in but accelerated. "If we truly believe that our way of life is best, aren't the Russians more likely to recognize that fact and modify their stand if we let their economy come unhinged, so the contrast is apparent?" he asked in a speech that year. "In an all-out race our system is strong," said Reagan, "and eventually the enemy gives up the race as a hopeless cause."

He wanted to use American technology to leverage an arms race that would force Moscow's wheezing command economy into a Hobson's choice between guns and butter. Either way, Reagan believed, the Soviets would lose: They could never keep up with the United States in an arms race, but abandoning it would be suicidal for a state that conducted all its business at gunpoint.

Reagan finally got to test his theory when he entered the White House in 1981. His defense team drew up a plan, later expanded into National Security Decision Directive 11-82, that explicitly made U.S. defense spending a form of economic warfare against the Soviets. The United States would "exploit and demonstrate the enduring economic advantages of the West to develop a variety of [arms] systems that are difficult for the Soviets to counter, impose disproportionate costs, open up new areas of major military competition and obsolesce previous Soviet investment or employ sophisticated strategic options to achieve this end." The objective was to make arms spending a "rising burden on the Soviet economy."

In retrospect, Reagan's point that the Soviet economy was on life support seems obvious to the point of banality. In fact, that's one of the arguments his critics use against him: that the Soviet economy would have imploded anyway, even without Reagan's defense buildup. But that's not the way foreign policy intellectuals saw it in 1982.

"It is a vulgar mistake to think that most people in Eastern Europe are miserable," declared economist Lester Thurow, adding that the Soviet Union was "a country whose economic achievements bear comparison with those of the United States." (I wonder if Thurow had ever flown on a Soviet airliner?) John Kenneth Galbraith went further, insisting that in many respects the Soviet economy was *superior* to ours: "In contrast to the Western industrial economies, it makes full use of its manpower."

Arthur Schlesinger, just back from a trip to Moscow in 1982, said Reagan was delusional. "I found more goods in the shops, more food in the markets, more cars on the street—more of almost everything," he said, adding his contempt for "those in the U.S. who think the Soviet Union is on the verge of economic and social collapse, ready with one small push to go over

decide to employ a sort of passive resistance, she learns all too quickly that she cannot maintain her cherished control.

This latest and longest entry in the Potter saga has also been the biggest immediate success. Its first print run, 6.8 million copies, was the largest ever in the U.S., yet Scholastic still seems to have underestimated demand. *The Order of the Phoenix* sold a record-breaking 5 million copies on its "opening day." Almost immediate second and then third runs have brought the total number of American copies in print to 9.2 million.

While most parents celebrate anything that gets adolescents to put down the remote and pick up a book—a powerful bit of magic in itself—others are concerned that the series celebrates the "dark arts." Perhaps parents and teachers who relish unquestioned obedience are right to be concerned about the books, but their focus is misplaced. It is not the magic but the morality of Harry Potter that is subversive. ■

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Harry Potter and the Order of the Phoenix (cover detail)

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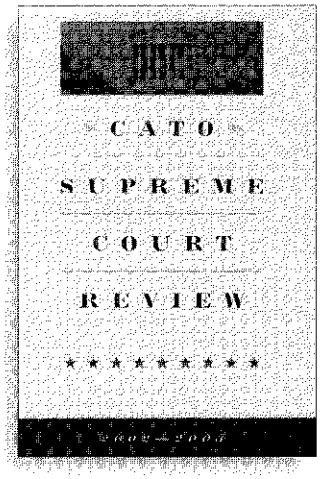

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the brink." (By the way, Schlesinger, who has spent his life in praise of JFK's adventures in Vietnam and Cuba but foamed at the mouth over every other American military action of the Cold War, proves Isaiah Berlin wrong: In addition to foxes and hedgehogs, there are also chameleons.)

Reagan nonetheless persisted. He boosted production of conventional arms and borrowed a play from the Soviet book by backing anti-communist insurgencies in Africa, Asia, and Latin America. Most controversially, he poured billions of dollars into his missile defense program.

Whether SDI will ever work (20 years later, it's still mostly theoretical) and whether, even if it does work, it's a wise strategic choice in a world where America's most implacable enemies are not superpowers with hundreds of ICBMs but terrorists with suitcases, are arguments for another time. But what has largely been overlooked in the debate is that the Soviets had no doubt whatsoever that it would work.

At arms summits, Gorbachev frantically offered increasingly gigantic cuts in strategic missiles—first 50 percent, then all of them—if Reagan would just abandon SDI. Schweizer, mining Soviet archives and memoirs still unpublished in the West, shows that Gorbachev's fears echoed throughout the Politburo. SDI "played a powerful psychological role," admitted KGB Gen. Nikolai Leonov. "It underlined still more our technological backwardness." Foreign Minister Andrei Gromyko understood exactly what Reagan was up to: "Behind all this lies the clear calculation that the USSR will exhaust its material resources before the USA and therefore be forced to surrender." Most tellingly of all, the East German–backed terrorist group known as the Red Army Faction began systematically murdering executives of West German companies doing SDI research.

Reagan, unmoved, stiff-armed the Soviets on SDI while winning huge concessions on other weapons. When Gorbachev complained, Reagan needled him with jokes. (Sample: Two Russians are standing in line at the vodka store. Time passed—30 minutes, an hour, two—and they were no closer to the door. "I've had it," one of the men finally snarled. "I'm going over to the Kremlin to shoot that son of a bitch Gorbachev!" He stormed up the street. Half an hour later, he returned. "What happened?" asked his friend. "Did you shoot Gorbachev?" Replied the other man in disgust: "Hell, no. The line over there is even longer than this one.")

The arms buildup (and a little-appreciated corollary, Reagan's jawboning of the Saudis to open their oil spigots and depress the value of Soviet petroleum exports) quickly took its toll. The Soviet economy began shrinking in 1982 and never recovered. By Schweizer's accounting, the various Reagan initiatives were costing Moscow as much as $45 billion a year, a devastating sum for a nation with only $32 billion a year in hard-currency earnings. Meanwhile, Reagan's rhetoric (the "evil empire" and "Mr. Gorbachev, tear down this wall!" speeches in particular) emboldened opposition movements in Eastern Europe. Less than a year after Reagan left office, the Berlin Wall fell; the Soviet Union itself disappeared a little later.

Neither Reagan's strategy nor

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Schweizer's book are without flaws. Regarding the latter, it makes me a little nervous that, in areas where I have firsthand knowledge, Schweizer is sometimes a mite sloppy with the details. He writes, for instance, that Moscow gave Nicaragua's Sandinista government two squadrons of MiG fighters. Actually, despite their endless pleading, the Sandinistas never got a single MiG—Schweizer apparently has them confused with Soviet-made HIND helicopters, which were much less upsetting to the arms equilibrium in Central America. And I scratched my head over his contention that Grenada's Marxist government permitted the Soviets to use the island as a transit point for arms shipments to El Salvador. Why bother, when Cuba and Nicaragua were so much closer?

As for Reagan's strategy, it came with both costs and risks, all of which Schweizer brushes past. The defense spending binge (coupled with increased domestic spending that Reagan wouldn't or couldn't block) saddled the country with a trillion dollars in debt, which is real money even by Washington's standards. The U.S. government has always thrown money around like a drunken sailor, but enshrining the practice as a standard weapon in our military arsenal is a little scary.

Even scarier is the risk that, when you draw lines in the sand, someone will cross them—or worse, obliterate them. Schweizer describes a chilling scene at a Moscow party where Hungary's foreign minister listened in horror as a group of drunken Soviet generals slammed shots of vodka and bellowed that the imperialists were about to gain military superiority and the time had come to push the button. We weren't the only country with Strangelovian elements.

Schweizer's narrative, nonetheless, is important—and not just to settle historical scores with the Schlesingers of the world. The flipside of his argument about Reagan's role in the fall of the Soviet Union is that detente was a dismal failure: that the Soviets responded to U.S. restraint with increased troublemaking in the Third World; that arms-control agreements actually destabilized the world by allowing Moscow to catch up with us; that, had we taken a firmer hand, the Cold War could have ended a decade or more earlier, at the cost of much less blood and money.

Those are sobering thoughts as we confront a new enemy that is as antithetical to freedom as was Soviet communism but much less predictable: Islamist terrorism. We once measured the threat to our security in easily quantifiable terms: the number and location of the enemy's soldiers and tanks, the aim of his missiles. As we learned on September 11, 2001, that way of reckoning has joined blimps and the Maginot Line on the scrap heap of military history. Reasonable persons may differ over whether George Bush chose the right target when he invaded Iraq. But it seems clear that Bill Clinton's tentative response to earlier Al Qaeda attacks on the World Trade Center and U.S. embassies in Africa only served to embolden Osama bin Laden. The 9/11 attacks taught us that if we wait around until the first punch is thrown, we're going to get a bloody nose and worse.

If only we could bring Ronald Reagan back from the fog into which he's vanished, I'd love to hear what he'd have to say on the subject. ■

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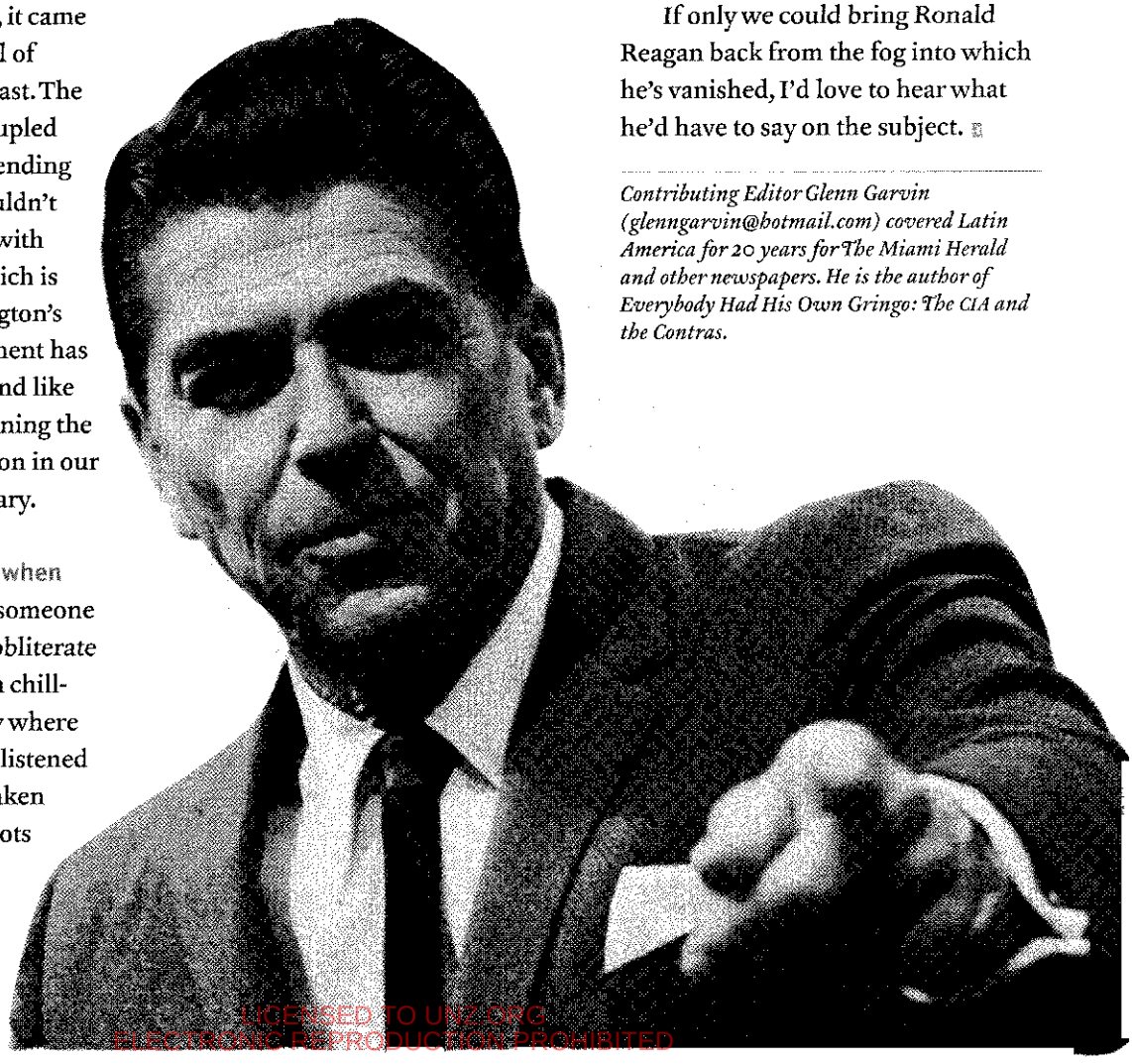

Reagan's War (cover detail)

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Talking With Terrorists

Jessica Stern's new book reports from the front lines of the War on Terror.

Interviewed by Tim Cavanaugh

FOR THE LAST five years, Jessica Stern has been interviewing terrorists for her new book, *Terror in the Name of God: Why Religious Militants Kill* (Ecco). The book is a synthesis of the often-sensational popular literature on terrorism that has bloomed after the 9/11 attacks and academic attempts to understand religious militancy at an abstract level. By interviewing militants in Indonesia, Pakistan, the Middle East, and even the United States, Stern, a former fellow at the Hoover Institution and the Council on Foreign Relations, provides a ground-level view of the tactics, philosophies, and obsessions shared by faith-based terrorists from a variety of social, religious, and national backgrounds.

Stern lectures on terrorism at Harvard University's Kennedy School of Government and is a faculty affiliate of the Belfer Center for Science and International Affairs. Her 1999 book *The Ultimate Terrorists* examined both fringe and state-sponsored groups in the era of weapons of mass destruction. She spoke with **reason**'s Web editor, Tim Cavanaugh, in August.

reason: You draw on literary and historical material to contextualize the attraction of martyrdom. What light does that shed on contemporary problems?

Jessica Stern: We often have the feeling that this is new, and we're shocked. We forget that it's not just Islamist extremists who do these horrible things, but that it's been done [by others] in the past. In fact, one of the things I really tried to study in this book was how terrorists organize themselves—how they create an organizational weapon, a machine that produces suicide bombers. Although I don't think the Christian martyrs were in any way morally equivalent to suicide murderers, I think some of the ways martyrdom was encouraged in the early Christian era are surprisingly similar to what we see today.

reason: Your book is very ecumenical, profiling Jewish and Christian militants as well as Muslims. Some readers might say: Come on, the mortal threat to this country isn't coming from Jews or evangelicals or Shintoists. It's coming from Muslims.

Stern: There's some truth to that argument. The Islamic extremists have developed an ideology that is very appealing today. Christian extremists were far more successful in earlier eras. For the most part they're not nearly as successful at being terrorists today as are Islamist extremists. Christian extremists are supportive of September 11 and of some of the objectives of the Islamist extremists. The possibility that white supremacists and Christian extremists could aid in some way the more professional Islamist extremists I find alarming. They're not joining forces—I don't want to sound like this is a conspiracy. But Al Qaeda and the International Islamic Front are very good at taking advantage of naive people with the right passports.

reason: Virtually everyone believes that better economic conditions will remove the incentive for terrorism. You reject that kind of "root causes" explanation. What are the general factors that breed terrorism?

Stern: There are many causes. Terrorists are different. Even individuals within a single terrorist organization often have different motivations, and their motivations change over time. I have seen, in some of the poorer countries such as in Pakistan, that some terrorists seem to be doing it for the money. More than one has told me they can't afford to leave their jobs as terrorists. We've also seen upper-middle-class kids join these groups. The most important elements that are shared across the board have to do with a feeling of humiliation and a desire for a clear identity.

I don't think we understand what this enemy is like. I've spent a lot of time trying to figure it out, but it's still puzzling to me. I think this enemy is about absolute rage. In some cases that rage is about what we are, but it's also about what we do. The ideology is very chameleon-like.

Some of my colleagues say Al Qaeda is all about a political objective, and that objective is to force us out of Saudi Arabia. They see bin Laden and Al Qaeda as rational in the sense of having a rational goal and going after it in the most cost-effective way they can. I don't think that's really true. Their purported objective changes regularly. We saw an attack in Saudi Arabia very shortly after the Pentagon announced it was moving almost every U.S. soldier out of there. The ideology at this point is so broad it can bring in a wide

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Jessica Stern, photo by Asia Kepka

variety of extremists because the mission has become opposition to the New World Order.

reason: How important is it to understand the motivations and dynamics of these groups?

Stern: It is important because we want to understand the potential appeal of this ideology. I don't think we're ever going to persuade hardened terrorists to change their minds by changing our policies—not that I'm recommending changing our policies in response to terrorist complaints. But we can have a very significant impact on those who would become sympathizers.

If you look at the popularity of the U.S. in the Arab world, it's frightening how low it's gotten. For terrorist groups to succeed in Morocco and Indonesia and Saudi Arabia, they need support. You can't have the terrorists themselves and nobody else; there is a [necessary] support base. We need to understand the message they're trying to sell. We need to undermine that message.

reason: At several points in your talks with Jewish terrorists you confess to feeling some attraction to their Manichean, traditionalist view. Doesn't it make you despair of humanity to think that even with the proverbial 27 years of college, you yourself can still be touched by such a crude appeal?

Stern: I think there is an appeal to a simple, Manichean worldview. It satisfies some childish need to know who we are. We can't pretend that it isn't appealing, especially for people who are troubled. And there are some parts of the world where large numbers of people are uncertain and unable to find their mission in life. In some parts of the world it's the most educated people who feel that way. So it's not at all a matter of education. If you look at some of the participants in September 11 and some of the people who have joined Al Qaeda that we know about, it's not lack of education that made it appealing. It was a feeling of frustration and humiliation.

reason: In your discussions with Islamists, most cite the jihad against the Soviets in Afghanistan as their formative experience. That's not too surprising when you're talking about Pakistanis, but it also applies to Kashmiris, Palestinians, Indonesians, Chechens, Saudis—just about everybody. Do you think Americans, even now after it's been in the air for a few years, really grasp the magnitude of what we helped create in Afghanistan?

Stern: No, we don't. It was the revival of the notion of an international jihad. As far as [militants are] concerned, it was very effective. They feel they vanquished an international superpower. They forget how much money we and the Saudis and others poured in to help them vanquish that superpower. But we played a very significant role in the creation of the enemy we face today. It's very distressing because it would be easy to do that sort of thing again in Iraq. Policy remedies tend to have unfortunate side effects.

I continue to believe many of the arguments for the war. I'll be very surprised if we don't eventually find evidence of weapons of

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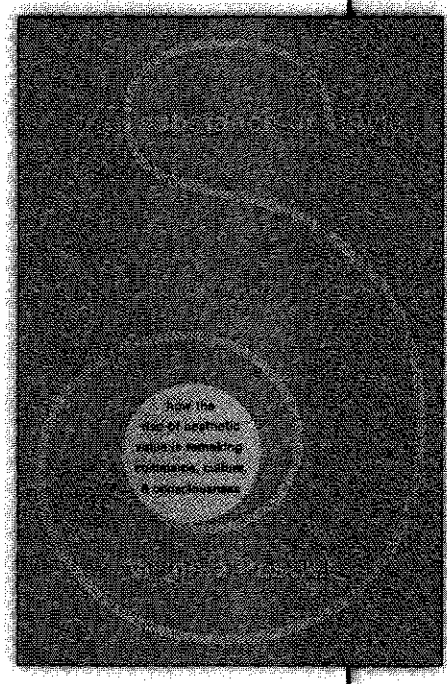

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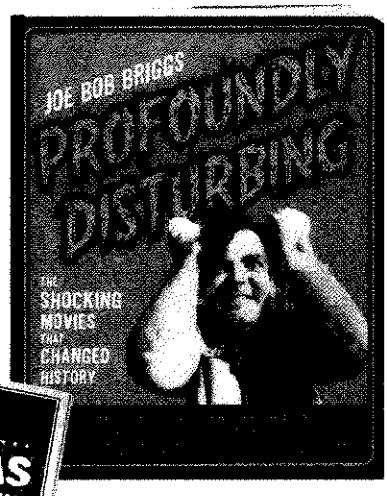

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mass destruction. My prejudice is that Iraq was doing everything possible to reconstruct that program. And I'm no longer skeptical of the links between bin Laden and Saddam; I don't buy that bin Laden considered Saddam such an infidel that he would never cooperate with him.

I'm hearing Hezbollah is very active in Iraq. There are other things that are at the level of hearsay. A very well-connected contact of mine is saying he's meeting Iranians interested in fighting Americans in Iraq. Guerrillas who claim to be part of Al Qaeda are taking credit for some of the attacks in Iraq. Are they part of Al Qaeda? No, but you can see the "enemy of my enemy" idea: In a way, we're pushing together groups that we wouldn't expect to see working together. We've given them something that really brings them together.

For the moment we're creating chaos, although our intention is to create a functioning liberal democracy. The likelihood that we're going to pull that off anytime soon doesn't seem very high to me.

I actually think the best argument against the war in Iraq was made by one of its biggest supporters, Kenneth Pollack in his book *The Threatening Storm*. He argued that it's imperative to go in there, but that if we don't do it right we're going to make it worse. And we're not doing it right. Or at least, we can see the Pentagon was very surprised by the chaos. ▮

A longer version of this interview is online at www.reason.com/interviews/jessicastern.shtml.

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Weasels Ripped Our Flesh

The forgotten world of men's adventure magazines

Charles Paul Freund

GUYS, HERE'S A question just for you: What sort of daring adventure fantasies recharge your sense of your own masculinity? Do you think about yourself alone at sea, for example, just you against nature's power, facing off against a pack of ferocious otters? How about the thrill of battle with an unnaturally bellicose lobster—is that the sort of thing that does it for you? Or maybe, in the hidden depths of your imagination, you prefer to think about yourself rescuing somebody, say a beautiful woman in a low-cut dress who's being attacked by a big-tusked boar.

If so, if these are the kinds of adventures that validate your sense of who you wish you were, then you were born too late. There used to be magazines—scores of them—that existed just for you. They were the "adventure pulps" that flourished from the 1950s through the '70s, and they featured exactly those kinds of ripping yarns, and so much more besides. Their rather cynical editors and publishers thought of them as "armpit slicks."

The decades after World War II were the heyday of the "man's magazine." Adventure pulps filled just one niche in a rich print world that celebrated soldiering and seduction, courage and cleavage, in many formats for many different sorts of readers. The adventure pulps—*Man's Adventure*, *Men Today*, *Men in Conflict*, *Rugged Men*, *Man's True Action*, *Real Adventure*, *Man's Conquest*, *Man's Epic*, *New Man*, *Man's Life*, *Man's Best*, and maybe another 125 titles like these—addressed themselves to a certain kind of readership that seems to have become as extinct as the magazines. The niche is now empty.

Actually, it's more than just empty; it's forgotten. Except for a few collectors, it's as if the magazines and their readers never existed. Unlike numerous other pulp genres, many of which are still celebrated nostalgically and even anthologized for new readers, the adventure pulps, their stories, and their art have disappeared. They are today as culturally invisible as the sobbing women's fiction periodicals of the 19th century.

But if this is a genre in distress, then Adam Parfrey of Feral House, emperor of the outré, has come to its rescue. *It's a Man's World: Men's Adventure Magazines, the Postwar Pulps*, features hundreds of sensational full-color covers, essays by those who edited and illustrated these magazines (including one by satiric novelist Bruce Jay Friedman, one of the few people associated with the genre who later established a respectable reputation), and even a guide for collectors. No stories though; that anthology is still waiting to be assembled. It may wait forever.

Parfrey and design editor Hedi El Kholti both deserve praise; Parfrey's division of the genre into a typology of its various conceptual appeals—nature, war, cruelty, etc.—works especially well. The only thing missing is more ads. Parfrey includes some display ads, but too few; ads tend to delineate a readership. Among those reproduced here: pills purported to stop bed wetting, acne cures, glasses that hypnotize women, scrotal hernia trusses, and mounted girls' head trophies at only $2.98. Come to think of it, maybe that's all the delineation anyone wants.

The single aspect of these once-common magazines that nonreaders are likely to recall is their penchant for transforming war and political conflict into cheap sadism. Many of their covers, year after year, were devoted to grinning Nazis, bespectacled Japanese officers, and cold North Koreans torturing, whipping, and dismembering chesty and chained American nurses—even more covers than were devoted to vicious attack trout. Anything that kept Nazi cruelty current, such as the arrest and trial of Adolf Eichmann, was a boon to these magazines. Once in a while they'd borrow an image from the news, such as cigar-wielding Cuban Communists, and apply it to the genre with a sense of transcendent self-parody. Mostly, though, it was 20 years of the same thing over and over.

That same thing was usually pain; pain is where the pincers of angry lobsters meet the hot, flesh-searing ends of a burning communist cigars. Even the adventures in these "adventure" pulps are really about suffering. The villains never stand for ideas; they're means of inflicting hurt. For that matter, even the ads seem to be about hurting.

Not that adventure pulps were incapable of inspiring anybody. The September 1956 cover of *Man's Life*, for example, portrays a man struggling desperately against a horde of furry little mammals. Along with cover hypes for stories about cheating wives and killer sharks is the text that goes with the cover art: "Weasels Ripped My Flesh." Always wondered where Frank Zappa got that line. ■

Charles Paul Freund (cpf@reason.com) is a **reason** *senior editor.*

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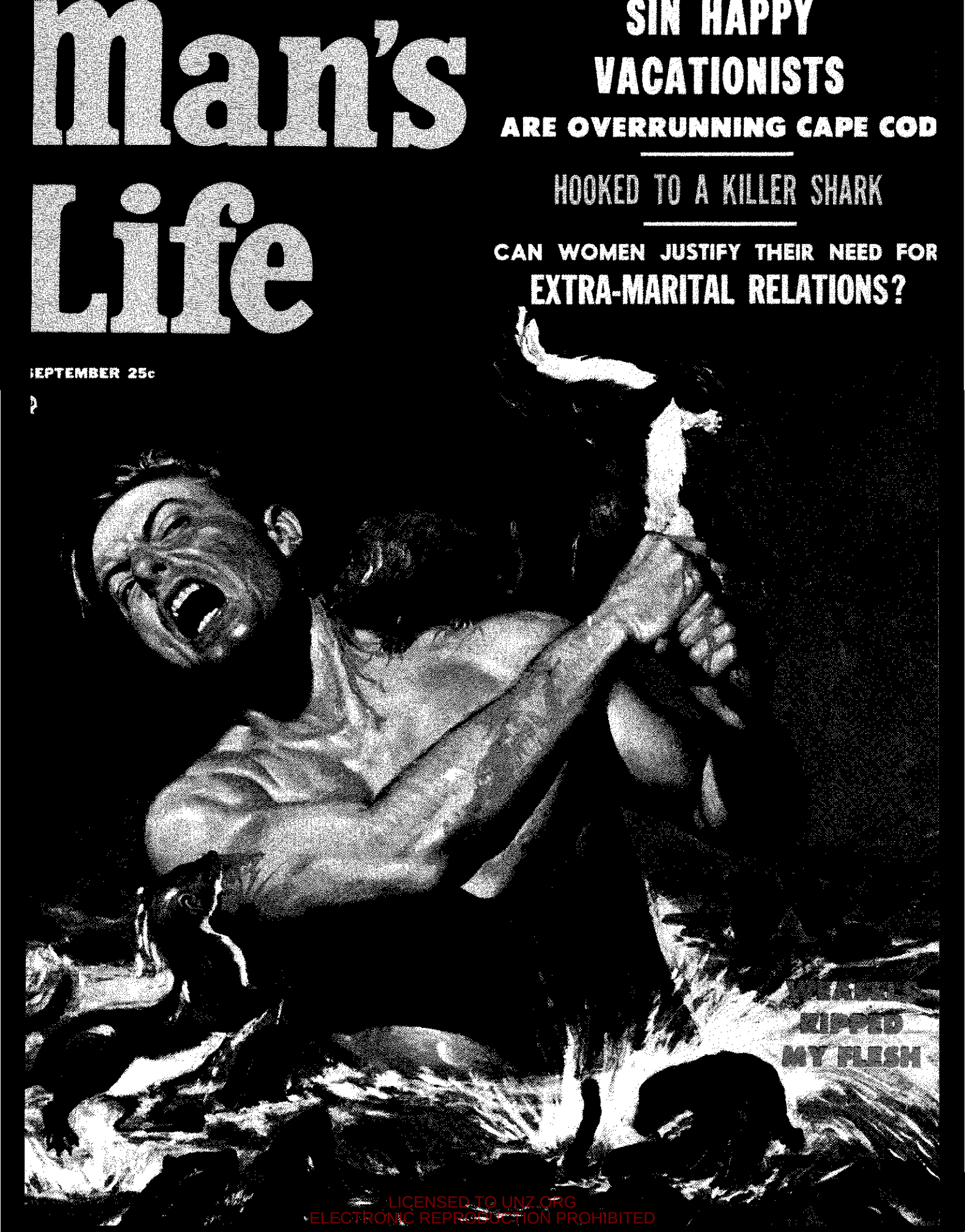
Man's Life

SEPTEMBER 25c

SIN HAPPY VACATIONISTS ARE OVERRUNNING CAPE COD

HOOKED TO A KILLER SHARK

CAN WOMEN JUSTIFY THEIR NEED FOR EXTRA-MARITAL RELATIONS?



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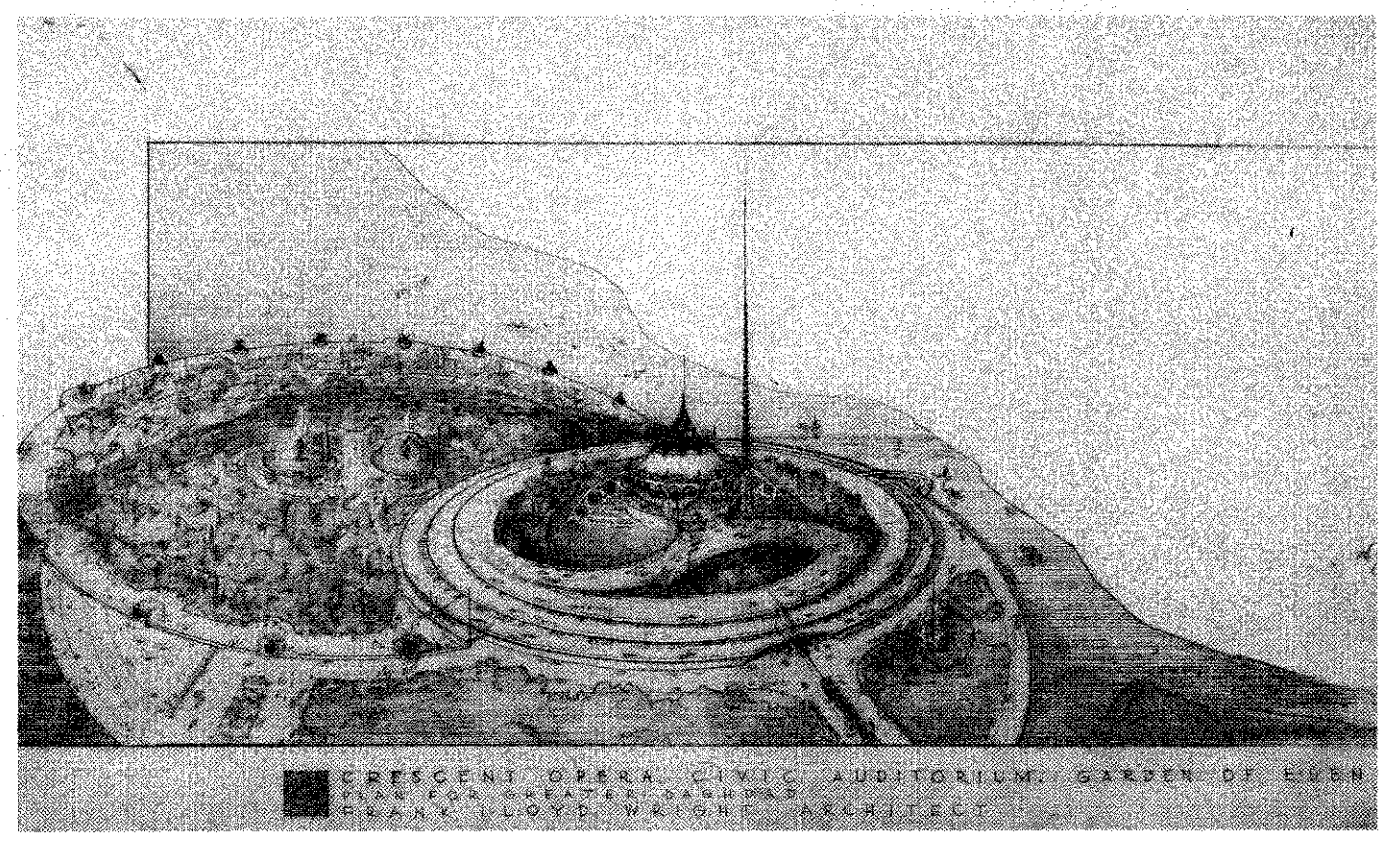

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Baghdad, Prairie Style

Charles Paul Freund

The Wall Street Journal recently ran a column by Adam Cohen revealing that an ambitious scheme for renewing Baghdad had been gathering dust for nearly 50 years, a plan drawn up by Frank Lloyd Wright. In 1957 the aged architect had been invited by the Iraqi government to design a city opera house. Typically, Wright wanted to site his proposed creation (above) on an island in the Tigris. "The island is yours," King Faisal II told him.

Wright also "designed an art gallery, botanical gardens, a 'grand bazaar,' and a university campus for the island," wrote Cohen, even though the project had been awarded to rival architect Walter Gropius.

As it happened, King Faisal's government was soon overthrown, and the island eventually became a Baathist resort. Yet Wright's unbuilt Baghdad retains a certain bizarre exuberance, its opera dome topped by a gilded Aladdin, complete, as Wright put it, "with his wonderful lamp, the symbol of human imagination." (Wright imagined himself as a kind of Aladdin.) There was even to be a parking garage in the shape of a Sumerian ziggurat.

The debatable eclecticism was intended to honor Iraq's past while saving its future from the West's boxy International Style. Wright wanted "to demonstrate that we [the West] are not destructive, but constructive" where Iraq is concerned.

A recurring Western wish, it seems. If the Iraqis like any of his old plans, perhaps Wright will yet have his granted.

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The Case for a Dynamic Economy

vid R. Henderson is a
esearch fellow at the
Hoover Institution.

Many people worry that the decline in U.S. manufacturing employment is a sign of U.S. economic decline. That worry is understandable, but a closer look shows that **the loss of manufacturing jobs is a sign of economic health.**

Here are the facts. In July of this year, 14.6 million Americans were employed in manufacturing. This is a 17 percent decline from the peak of 17.6 million in March 1998. But over that same period, manufacturing output actually grew slightly, even with a recession in between. How could that be? Simple. Productivity in manufacturing—output per worker—grew substantially. In other words, we are making more goods with fewer workers.

Isn't manufacturing falling as a share of gross domestic product (GDP)? Yes. And, as my Hoover colleague Robert Hall pointed out in recent congressional testimony, it has been falling fairly steadily since 1947. The reason is that the tremendous productivity growth in manufacturing has caused prices of manufactured goods to fall relative to prices of health care, education, and other services. So even though manufacturing output has risen, GDP accounts value this output at market prices, which have been falling. You are not worse off because you can buy two televisions for the same amount (inflation adjusted), that you would have paid for one lower-quality television twenty years ago. You are better off. In fact, the declining prices of manufactured goods are one of the main reasons per capita income and wealth have grown so much since World War II.

One consequence of increased productivity, of course, is loss of manufacturing jobs. That is a hardship for workers who were previously employed in manufacturing. But they find work elsewhere. In other words, they produce other goods or services that help increase our standard of living. The only way to prevent the loss of manufacturing jobs is to impose draconian restrictions that bind workers to manufacturing and make productivity growth illegal. Besides reducing our freedom, such restrictions would also freeze our standard of living. **The history of economic growth is the history of people making more with less and shifting into new jobs that were unheard of in the previous generation.** Because Henry Ford produced millions of cars on assembly lines, workers producing buggies lost their jobs. And, ten years later, most of them were probably glad they did.

Of course, some of the job loss is due to the fact that we buy goods from China and other low-wage countries. But that is just another way of saying that we have better uses for our labor here. If you take your clothes to a dry cleaner, you "lose the job" of cleaning your clothes at home. And you'll take that loss every day—the time you free up is better used in leisure activities or in working more. Similarly, we are better off buying mass-produced, low-wage goods from China and producing high-end services and intellectual property here in the United States.

The decline in manufacturing jobs, whether due to higher productivity or freer trade, is a boon to Americans.

— David R. Henderson

Paid for by the Hoover Institution, Stanford University.

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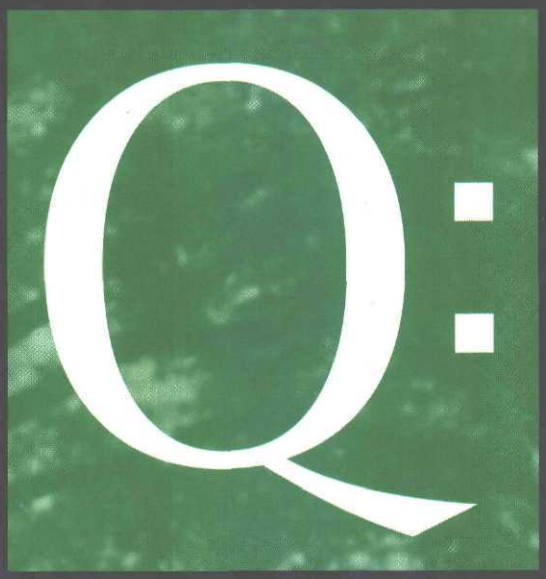

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